

[Corruption and Medical Malpractice Coverup involving Arizona CPS? How One Family was Destroyed - Medical Kidnap](#)

## **Corruption and Medical Malpractice Coverup involving Arizona CPS? How One Family was Destroyed**

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Happier days. Leanna with her two daughters before they were taken away by medical authorities and Arizona CPS.

**UPDATE 10/23/2015**

**Shocked Arizona Mother Finds GoFundMe Page for Medical Needs of Daughter Medically Kidnapped**

**UPDATE 4/22/2015**

This case has now been heard at the 9th Circuit Court:

## **Arizona Family Court, CPS, and Doctors on Trial in 9th Circuit Court**

**A Sick Daughter. A Distraught Mom. So Arizona's Child Protective Services Stepped In.**

**Was this a Medical Malpractice Cover-Up or Did Leanna Smith Deserve to Lose Custody of Two of her Three Children?**

**By Jennifer Margulis  
Health Impact News**

At the baby shower for her little sister, Chaunell Roberson couldn't stop smiling. The 12-year-old was sitting on a couch across from her mom, Leanna Smith, watching her open gifts: an impossibly tiny onesie with cherries on it, a pink leather diaper bag, and a Laura Ashley baby stroller. Chaunell wrote down which of her mom's friends gave her what present so they could send thank you cards afterwards.

It was a fun afternoon: they had baby bottle sucking races ("My mouth hurt for twenty minutes afterwards," remembers one guest, laughing), toilet papered Leanna's burgeoning belly, and ate cake decorated with red and yellow flowers and the words "Welcome Girlfriend" in bright red frosting.



Baby shower birthday cake

Leanna and Darrell Smith, expecting their first child after first meeting twelve years earlier, had already picked out a name for the baby, but they weren't spilling the beans.



Leanna pregnant with Jameelah

When her baby sister was born on April 1st, 2006 at Banner Desert Medical Center in Mesa, Arizona, just outside Phoenix, Chaunell was even happier.

"She was just a little angel entering the world," the proud father, Darrell Smith, 58, soft-spoken and articulate, remembers of the birth that Chaunell and her 14-year-old brother Cordell also witnessed.

"I thanked God that they were both okay, alive, and healthy. Everybody was smiling, everyone wanted to see and touch the baby. Life gives you moments. My grandmother always said, 'Plan like you're going to live 500 years but don't forget the moments.' It was a great moment."

They named their 8 pound 8 ounce baby girl Jameelah.

## From Joy to Tragedy

No one had any idea that seven months later, in the evening of November 4, 2006, 12-year-old Chaunell Roberson would be lying intubated in the same hospital, in a coma, having just had a stroke.



Chaunell in the hospital.

Or that, despite thousands of pages of medical records, the doctors who were caring for Chaunell would accuse her mother of fabricating her daughter's illness in order to draw attention to herself.

## Arizona CPS Takes Away Daughter – Puts into Foster Home with No Medical Care

On September 3, 2008, because of a complaint filed by Banner Desert Medical Center, Arizona's Child Protective Services would take Chaunell into custody.

Chaunell was put in a home—as court documents would later allege—with an incompetent and inappropriate foster mother who would refuse to let her see a doctor even though she complained of being in pain, would smoke and drink in front of her, and would forbid her from contacting her court-appointed lawyer. For a year and a half Chaunell, separated from her family, would send emails and letters begging to come home.

## Health Problems Worsened – Suicide Watch

Chaunell's complicated health problems would worsen while in state custody: She would visit the school nurse 32 times in a 5-month period, be put under a

suicide watch and spend four weeks in a locked psychiatric ward, and be hospitalized with bacterial meningitis for five weeks.

## Lawsuit Against Hospital and CPS Filed

Then, on September 19, 2009 Leanna Smith's lawyer would file a lawsuit against Banner Desert Medical Center, as well as Barrow Neurological Institute, where Chaunell had also been treated, naming also Child Protective Services, the State of Arizona, and several of the doctors and professionals who had been involved in her daughter's care.

## CPS Takes Second Daughter

Twenty months later, in what many close to the case believe was retaliation for the lawsuit and an attempt to intimidate Leanna into dropping it, CPS would come to Leanna's apartment and take her younger daughter, Jameelah Smith, away.

## Unfit Parents, or Medical Kidnapping?

Did Leanna and Darrell Smith lose custody of their youngest daughter because they were really unfit parents and Jameelah would be safer with another family? Or were they being punished for their disagreements with the doctors and the hospitals, and for refusing to stay quiet about medical mistakes made in their older daughter's care?

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## Arizona: History of Parental Rights Abuse?



Janet Napolitano is the former Governor of Arizona, and was sworn in as the third United States Secretary of Homeland Security, January 21, 2009.

Experts who have studied the system contend that there is an unjustified bias in Arizona against families. Since 2002, when Governor Janet Napolitano announced that Arizona would “Err on the side of protecting the child first and we will sort it out later,” more children than ever before are being taken from their homes without any kind of investigation. Critics contend that parental rights in Arizona are being severed without adequate justification.

This seems especially true when a child has any kind of hard-to-explain medical condition or a bad medical outcome and concerned parents are looking for answers.

“It’s a good defense to go on the offense,” explains Loren Pankratz, Ph.D., a retired professor of psychiatry at Oregon Health and Science University and an expert on **Munchausen Syndrome by Proxy** (the mental illness that Leanna Smith would be accused of).

*“You demoralize the parents so badly that they can’t do anything. It protects all the doctors that made mistakes. And you delay any attorney taking steps against the doctor or the hospital.”*

## Arizona: Highest Rate of Children Entering Foster Care

When Janet Napolitano became the governor of Arizona in 2002, there were only about 6,200 children in foster care. [1]

Since then, as other states are successfully decreasing the number of children removed from their families, the number of children in Arizona's foster care system has grown exponentially.



A Social Services office in Phoenix used to house babies who are taken away from families to put into foster homes. There are many more children than foster homes. [Image from CBS5 Arizona.](#)

As of September 30, 2012, there were a staggering 14,111 children [2] who were removed from their homes and placed in foster care. Children, like Chaunell Roberson and Jameelah Smith, are put in what the state calls “out-of-home placements” supposedly due to neglect or abuse at the hands of their parents.

Today, experts say, there are [over 16,000 kids in foster care in Arizona.](#)

## Are Innocent Families Losing their Children?

The knee-jerk reaction of people who have never dealt directly with a state child welfare agency—which was what I first thought when I started researching this story—is that a state agency would never remove children from their homes unless the parents were doing something really awful and the children were genuinely in harm's way.

It's too unbelievable—and too painful—for many of us to imagine that caring, responsible parents could lose custody of their own children.

But Arizona's child welfare system, which has been plagued by scandal, has often failed to follow its own protocols, taking children away from blameless

parents while at the same time failing to adequately investigate legitimate cases of neglect and abuse.

The situation with CPS became so embarrassing to the state, and so devastating to Arizona's children, that the previous governor, Jan Brewer, made the unprecedented move of completely disbanding it last year.

## Arizona Child Protection Services a Failure



Former Governor Jan Brewer. [Image from Jan Brewer Facebook.](#)

"It is evident that our child welfare system is broken," Brewer announced in her State of the State address on January 13<sup>th</sup>, 2014, "impeded by years of structural and operational failures."

Among the scandals facing CPS at that time was the revelation that 6,500 abuse and neglect reports had been closed with no investigation or follow-up of any kind.

What is also indisputable is that Arizona's children are not doing very well.

According to the Annie E. Casey Foundation, a national foundation that researches and reports on child welfare in the United States, Arizona ranks among the top five worst states in the United States to be a child. Twenty seven out of every hundred children in Arizona live below the poverty line [3] and 64,000 children under six years old have parents who are both unemployed. [4] The State's Child Abuse Hotline purportedly receives over 25,000 phone calls in any given six months with allegations serious enough to warrant a report. [5]



### CASA of Arizona

When Gov. Brewer disbanded CPS, she set up a new agency: the Department of Child Safety (DCS), directed by Charles Flanagan, an \$834 million agency [6] that is now facing a reported backlog of 15,000 cases. [7]

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## Leanna and Darrell: A New Family is Started

Leanna and Darrell first met when Cordell was two and Chaunell was just six months old. Smarting from betrayal, Leanna was not ready to rush into a new relationship: she had found out when Chaunell was three months old and a sheriff knocked on the door that her husband, who was in the military, had been having an affair with a neighbor and now owed thousands of dollars in unpaid alimony for the baby born out of wedlock. They fought about it that night, Leanna remembers. Her husband hit her. She took her two babies and left.

So when Leanna ran over a razor blade and the tow truck hauled her black Nissan pick-up to a service station on the corner of Southern and Mill in Tempe, that Darrell's friends happened to own, finding a soul mate was the farthest thing from her mind. Darrell was captivated by her lively green eyes and Leanna couldn't stop looking at him.

For hours after the station closed, they stood talking, leaning against Darrell's Chevy Monte Carlo. Darrell told Leanna that he worked in construction and was an avid antique collector; that he planned to open a museum of artifacts and documents related to Americans of African descent someday. Leanna told Darrell she was a respiratory therapist. They exchanged phone numbers.

## Leanna Meets a Friend While Working as a Respiratory Therapist

Leanna's job at Mesa Lutheran Hospital included caring for anyone who was having trouble breathing, from premature babies to stroke victims to people with chronic health problems like asthma or emphysema.



A pediatric patient prepared by a Respiratory Therapist. Image from [Wikimedia](#).

One day not long after Leanna met Darrell, a co-worker overheard her talking to a nurse about how she was having trouble finding a trustworthy babysitter who could watch her little ones during her three 12-hour hospital shifts, but did not want to put them in daycare for that many hours at a time. Sonya Stockhaus, a single mom and a certified pharmaceutical technician, scribbled down the name and number of the woman who watched her kids and was looking for more hours. Leanna was so grateful she burst into tears. Stockhaus took an instant liking to the respiratory therapist who struck her at the time as a “really nice, obviously hard-working, stressed” young mom.

They became fast friends, working together at the hospital, having lunch at the cafeteria, and dangling their feet in Stockhaus's pool while their kids—who were about the same age—went swimming. Stockhaus was amazed at Leanna's efficiency: On her day off, Leanna would batch cook and freeze a week's worth of meals so when she came home from work dinner would be ready quickly.

## A Working Mother Caring for her Family

Leanna was always diligent about making sure the kids did their homework. Both Cordell and Chaunell did well once they started school. And Stockhaus marveled at how polite Cordell and Chaunell always were to adults, wishing her own rambunctious sons would behave as respectfully in public.



## Cordell graduation with Leanna

Now 48 and a mother of five, Stockhaus is not afraid to speak frankly about the friend she has known for over 20 years: “She could be tough as nails as only a single mother knows how to be, but she loved her children more than life itself,” Stockhaus says.

Darrell and Leanna waited twelve years before they thought about having a child of their own. Leanna says they wanted to be more financially stable.

They sat down with Cordell and Chaunell to talk about adding a new member to the family. Cordell didn’t have much of a reaction (“I was like, ‘Okay. Cool. We get to have a baby,’” he tells me), but Leanna remembers that Chaunell was thrilled.

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## Chaunell’s Medical Problems

When her baby sister was six months old, Chaunell started complaining of severe headaches and stomachaches. Her blood pressure, too, was abnormally high.

In early October 2006 the stomachaches, vomiting, and blood pressure spikes got so bad that she was admitted to Phoenix Children’s Hospital, where she spent 25 days. But the doctors were not sure what was wrong. Her brain scans kept coming back normal and although she tested positive for H Pylori, they told Leanna—who kept insisting that something else must be going on—that the stomachaches were psychological.

It was frustrating to both the doctors and the family not to have a clear diagnosis. Chaunell still couldn’t keep any food down when she was discharged, so the doctors had put in a nasogastric tube, giving Leanna 14 medications for her daughter to take.

A day later Leanna took Chaunell to the pediatrician. Stewart Van Hoosear, M.D., knew the family well. He had been Chaunell and Cordell’s doctor since Chaunell was six months old and he was Baby Jameelah’s doctor as well. He welcomed Leanna with a warm smile but his face fell when he saw Chaunell’s blood pressure reading, 151/118, so high that Chaunell was at risk of a stroke. In an urgent voice Van Hoosear told Leanna to take Chaunell to the ER at Banner Desert Medical Center, the hospital closest to his office.

## Doctor-Advised Trip to Hospital Goes Wrong

But the medical staff at Banner Desert Medical Center acted unconcerned. When Geetha Rao, M.D., the on-call doctor, consulted with Gary Silber, M.D.,

the gastroenterologist at Phoenix Children's Hospital, she was told that Chaunell's problems were probably psychological and that the mother had a tendency to overreact.

At Banner a nurse injected Zofran and Lortab (a combination of acetaminophen and hydrocodone that is used for pain relief) into Chaunell's IV line. When Leanna questioned her, the nurse responded, "Dr. Rao thinks she just needs to calm down."

Seconds later Chaunell was crying out, "Mommy, what's happening?" Her breathing became labored and irregular, her heart rate went up to 150, and she was transferred to the pediatric ICU.

Her mother, who had worked in a neurological ICU and recognized that her daughter's irregular breathing patterns (called Cheyne-Stokes) indicated that she may be having a stroke, begged the doctors to intubate her so her brain would not be deprived of oxygen. Cordell was there too. He remembers one doctor standing back with his arms crossed, looking unconcernedly at his sister, as if there were no real emergency.

## "Self-inflicted" Coma?

Instead of intubating Chaunell, they monitored her. Five hours later Chaunell slipped into a coma that would last ten days. Less than an hour after she became completely non-responsive in the coma, Imad Haddad, M.D. intubated her, which is what her mother had been asking them to do all along. Without that breathing tube, Chaunell would have died.



Chaunell intubated in the hospital.

Later Dr. Haddad would say that there was nothing medically wrong with Chaunell and tell Leanna that her coma was “self-inflicted.”

The hospital doctors originally denied that Chaunell had indeed had a stroke. But a Banner pediatric neurologist, Dr. Jay Cook, who assessed the child’s condition, wrote: “Try to avoid any more CNS [central nervous system] strokes” in her file.

At Banner, Chaunell’s baffling condition was finally diagnosed. She had pseudotumor cerebri, an unusual medical condition most common in overweight women. Weaning on or off steroids is a risk factor, according to the U.S. National Library of Medicine. [8] Pressure from spinal fluid builds up in the brain, causing the same symptoms as a brain tumor, but without a brain tumor present.

When she came home from the hospital, Chaunell was not the same child. Every morning before she and Cordell left for school, Darrell would sing them a song (“It’s a happy happy morning/The sun is shining bright”) and they would sing along, but now Chaunell could not remember the words. When she saw herself in home movies, she could not remember being there. She even forgot that she loved her mom’s pancakes, once her favorite food.

But the one thing that did not change was her being in pain: The headaches and stomachaches continued.

## A Mother Wants Answers for What Appeared to be Medical Mistakes

As her daughter’s condition continued to deteriorate, Leanna pressed the doctors for answers to what had happened to her child and why. She began audio recording every meeting, both so she could be sure she understood what the doctors were advising and because she had become worried that Chaunell’s doctors did not know what they were doing, giving her daughter too much medication, and making medical mistakes that needed to be documented.

The antagonism escalated quickly. Leanna came into conflict with the doctors not only over the question of whether her daughter had had a stroke in their care that could have been avoided, as well as an allergic reaction to a medication she may not have needed in the first place, but also over the ongoing treatment Chaunell was receiving.

Leanna felt her daughter needed an internal shunt to reduce the amount of fluid in her daughter’s brain, but each doctor she spoke to had a different idea of what kind of shunt and the advisability of doing surgery.



Chaunell in the hospital with Cordell and baby Jameelah

The prognosis for pseudotumor cerebri is usually good. The biggest concern for patients with this condition is that the build-up of fluid in the brain can damage the optic nerves and lead to blindness (one small study found that 24% of patients became blind [9]). But the intracranial pressure Chaunell was experiencing had actually become life-threatening, so much so that in October 2007, nearly a year after her medical problems had first started, doctors suggested to Leanna that she sign an advanced directive not to resuscitate their daughter if she had a heart attack.

Leanna felt desperate, as any mother in her situation would feel. If her daughter suffered so much brain damage that she would never regain consciousness and have to be maintained on life support, a “do not resuscitate” order made sense. So she agreed to sign it. Later the doctors would accuse her of suggesting the order in the first place, and CPS would use this as evidence that Leanna was an unfit mother, going so far as to tell Chaunell that the DNR order was proof that her mother did not care if she lived or died.

Leanna was exhausted, spending 12 hours at her daughter’s bedside, with every doctor caring for her telling her something different. Darrell came to the hospital every night after work. Cordell sat by his sister’s side playing video games or doing homework. Jameelah, a good-natured drooly infant, napped in her stroller.

*"You just want to know what's wrong with your child," Leanna explains.*

## Are Doctors Ever Wrong?

Leanna says she did everything she could to help Chaunell recover from the comas and get her health back. Though she was distrustful of the doctors and continued to ask questions, she followed their instructions.

The medical professionals who worked most closely with her seem to agree.

*"It has been a pleasure to work with this sweet young woman and her very supportive mother," one speech and language pathologist wrote in her file on April 21, 2008.*

But the back and forth with some of the doctors was turning into a showdown.

Things got particularly tense with Harold Rekate, M.D., a neurosurgeon who had been following Chaunell. On July 28, 2008, Rekate handed Leanna a letter accusing her of "refusing to follow the advice and treatment plan" and of "asking for tests and procedures that are beyond the standard of care."

Rekate wrote that he was terminating their patient-doctor relationship. Chaunell, unable even to sit up by herself and with a shunt in her brain that needed to be closely monitored, was discharged from the Barrow Neurological Institute of St. Joseph's Hospital and Medical Center and taken home in an ambulance.

## Medical Malpractice Suspected



Eli Newberger, M.D. [Image from EliNewberger.com](http://EliNewberger.com).

“She was inappropriately sent home by the hospital,” insists Eli Newberger, M.D., a pediatrician with 40 years of experience in the diagnosis, treatment, and prevention of child abuse and neglect, who reviewed all of Chaunell’s medical records on behalf of the Smiths.

*“This was medical malpractice over the top.”*

A few days later Chaunell was back in the hospital. Her medical records show that her mother’s concerns had been correct: this time her brain had herniated.

Instead of admitting to the medical mistakes they had made, the hospital’s chief medical officer, Charles Alfano, allegedly told Leanna:

*“You’re not going to like what we do to you next.”*

She thought he meant that they would not allow her to seek a second opinion on Chaunell’s case. The hospital called CPS.

## Was Daughter Taken Away by CPS to Cover Medical Malpractice?

On September 3, 2008 Arizona’s Child Protective Services section took custody of Chaunell Roberson from Banner Desert Medical Center after four physicians signed a report of suspected child abuse.



Banner Desert Medical Center – Mesa Arizona

The doctors accused Leanna Smith of having **Munchausen's Syndrome by Proxy**—a mental illness where parents fabricate or create illness in order to call attention to themselves.

Eli Newberger, M.D., has personally diagnosed and treated over 300 cases of Munchausen Syndrome by Proxy during the three decades he serviced as medical director of the child protection team at Children's Hospital Boston. He tells me that it is easy to get lost in the medical weeds of this case because the medical records are so complicated. When he spread them across the floor, the thick 3-ringed binders of papers spanned 13 feet.

But he claims that the case is actually quite simple:

*"If the doctors at Phoenix Children's Hospital had taken the mother's concerns seriously in the first place and correctly diagnosed and treated pseudotumor cerebri, the egregious and unfortunate medical mistakes that were later made—and then vigorously covered up by getting Child Protective Services involved—could all have been avoided."*

*"There was nothing that the mother contrived to make happen," Newberger explains. "The definition of Munchausen's Syndrome by Proxy is when a parent causes a child's illness by some action, or constantly misrepresents a child's symptoms. There is nothing in the record that Leanna had done any such thing at any time."*

"I was there for most of those interactions," Chaunell's brother Cordell, who is 23 years old now, tells me. He has a hard time talking about what has happened to his family.

*"She was just extremely like, 'I need you to help my daughter.' She questioned everything. That upset them a lot. By the questions she was asking, she was saying, 'Are you sure, this time? This diagnosis doesn't make sense.' ... There's a difference between a crazy person and an extremely concerned person. My mom was definitely not the crazy one."*

*"The big issue here was the ambiguity of the diagnosis and the reluctance on the part of the doctors to engage in a serious discourse with the parents," Dr. Newberger continues. "Parents go to the doctor's office armed with information from the Internet and a lot of doctors take umbrage. In this situation Leanna was tremendously distressed because Chaunell was at death's door."*

As anyone whose child has had a medical crisis knows, it can be intimidating to deal with busy doctors running from one patient to another. Sometimes the only way to get answers is to be aggressive. Yet this kind of aggressiveness makes some doctors bristle and, especially when something goes wrong, the hospitals push back.

## The New Medicine: “Parent-Ectomy”

Instead of working together as a team to help the child, medical professionals and the hospitals perform an aggressive maneuver of their own, something that has become so common recently that doctors even have a name for it, as the Boston Globe reports: a “parent-ectomy.” [10] They take the parent out of the equation to minimize the risk of liability or lawsuits.

*“The risk-free course for the hospital is to encourage doctors to report child abuse, even when it doesn’t exist,” claims Richard Sullivan, M.D., who worked in emergency medicine in Massachusetts for 26 years and is not involved in Chaunell’s case.*

Sullivan remembers one instance when he was told by hospital administrators to file a CPS report. He refused.

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## Worse Off in State Custody

The State of Arizona contended that Chaunell was better off separated from her mother. They pointed out that she had no further comas, and that she was able to go back to school.

But her records tell a starkly different and heartbreaking story, showing that Chaunell did worse in state custody than she was doing with her family.

Her first foster mother allegedly failed to keep doctor’s appointments, told her to stop faking it when she complained of headaches, and drank and smoked in front of the 14-year-old.

## A Daughter Begs to Come Home

For over a year and a half she begged her parents, by phone, email, letters, and even court testimony, to let her come home. She reported being terrified of saying the wrong thing that might be interpreted as evidence against her mom.

*“...And there is a lot of beer in the house and yesterday I heard something very disturbing (and its not the first time),” Chaunell writes in one letter. “I heard Marysol having SEX!!! She was so loud And her bedroom door was OPEN!! I feel so uncomfortable here. GET ME OUT!! please (heart) Chaunell.”*

## Documents and Audio Recordings Sealed in Court



Chaunell's letters to her parents are part of hundreds of documents and Leanna's 1,800 audio recordings that were sealed by a juvenile court judge. Leanna and Darrell Smith refused to talk to me about them or about any details of their case that have been sealed—on top of everything else that has happened to them they do not want to go to jail.

## Health Officials Clear Mother of Wrongdoing

A psychologist contracted with CPS to supervise visits between Chaunell and her family, both in Leanna's apartment and in the hospital, followed the family closely for over a year. Connie Pyburn, Ph.D., took notes at every visit. She saw nothing untoward in Leanna's behavior towards Chaunell. In fact, she tells me, though she did find that Leanna and Chaunell were "enmeshed" (that is, not emotionally separate), Leanna was a well-educated mother who was loving and dedicated to all three of her children.

*"She was very loving. She was very close. She was very knowledgeable about a lot of things," says Pyburn, who also confesses that she stopped working for CPS because this and one other case were so troubling to her. "She was very loving with her other two children."*

Stewart Van Hoosear, M.D., the pediatrician who had been with the family for twelve years, agrees. "We saw them all the time and I didn't see any signs of abuse but I got the feeling that the people downtown thought there was," Van Hoosear says. "Mother seemed sort of flighty, that would be the only thing I could say about her."

On Pyburn's recommendation the family was going to be reunified. Leanna and Darrell were feeling more hopeful than they had in a long time. Their hearts had been aching since Chaunell had been gone.

## Civil Rights Lawsuit Filed



Leanna could not file a medical malpractice suit against the hospitals or the doctors who, she felt, had so badly botched her daughter's care. But a civil rights attorney she found through the NAACP said that she could sue CPS. So in March 22, 2010 Leanna's lawyer, working pro bono, filed a lawsuit against the hospitals, doctors, and the State of Arizona for violating her civil rights when they took Chaunell into state custody. The foster mom who had mistreated Chaunell was also named in the lawsuit.

The case was moved to Arizona Federal Court. The case was thrown out on July 31, 2012 and is currently in 9th circuit court awaiting Oral Argument.

## Second Daughter Taken by CPS

On May 21, 2010 two officers and a CPS worker came to Leanna's apartment to announce that they were taking her younger daughter, 4-year-old Jameelah, into state custody because of alleged child abuse.

Leanna was later told that her daughter Chaunell had made an accusation against her, the same daughter who had been begging to come home for so long.

Chaunell did not respond to requests for an interview, but both Newberger and Pyburn told me that they saw firsthand how a deliberate and concerted effort was made to convince Chaunell that Leanna wanted her to be sick.

One psychologist that works with CPS, Brenda Bursch, allegedly told Chaunell that her mother was mentally ill and had Chaunell read her report about her mother. She was also reportedly given a memoir to read, Sickened, about a 12-year-old girl whose mother had Munchausen Syndrome by Proxy.

## How CPS Uses Psychological Warfare

Leanna, who had not seen her older daughter for over four years at this point, wonders if, when Chaunell realized that the state would not allow her to be reunited with her family, Chaunell thought at least she could get Jameelah to be with her.



Chaunell and Jameelah during happier days.

But how could Leanna's older daughter accuse her of abusing her younger sister if Leanna never did? Newberger, who personally interviewed both Chaunell and Jameelah, explains that Chaunell had been duped:

*She was threatened that she would never see her mother again if she complained of pain or respiratory stress. She was denied access to physicians, and even to her own appointed attorney.*

*In this isolated bubble, her mother was misrepresented to her in derogatory terms, both by professionals and by her foster parents.*

*Chaunell was given to read a psychological report that demonized Ms. Smith, and cast herself as her victim. She was brainwashed and will need a sustained period of psychological recuperation if she is to function capably in caring and intimate relationships as an adult.*

*Her attachment to her mother was systematically, and, I believe, intentionally, corroded, by Arizona Child Protection Services, and at least one contracted 'therapist' in the name of her protection.*

\* \* \*

CPS in her home, Leanna stalled for time, scooping Jameelah's favorite stuffed animal, a white duck with a yellow beak, and gathering up the clothes, a hairbrush, and her barrettes.

"Mommy, where am I going?" Jameelah asked. Leanna did not know how to answer. She kept telling her over and over again that it would be okay.

Though he drove as fast as he could, Darrell did not make it back on time to say goodbye.

"The evidence wasn't there to take a child away," Pyburn insists, adding that she specifically testified that she did not see anything inappropriate with Jameelah but that things she had written in her notes—that Jameelah liked to play with a doctor kit, for instance—were used by CPS as evidence against Leanna.

*"I really felt that the state was taking her younger child based on the things that were going on with Chaunell, and that it wasn't really fair."*

## **Abuse in Foster Care Alleged by 4-Year Old Child**

Darrell was allowed a supervised visit with Jameelah in the office of Katrina Buwalda, Ph.D., another psychologist contracted with CPS, on August 25, 2010.

Four-year-old Jameelah's face lit up with she saw her father. She put her small arms around his and rested her head on his chest.

Then she said something that would stop his heart. "Daddy," she whispered to him. "I hurt down there."

Darrell was stunned. He prayed he had not heard his daughter correctly.

"What, Baby?" he asked her quietly.

"I hurt down there," she repeated.

Darrell looked at Buwalda and asked her if she had heard what his daughter just said. She promised to look into it.

## Parental Rights Completely Severed

Jameelah, who was placed in the same foster family as Chaunell, was never returned to her parents. On September 1, 2010 Leanna and Darrell Smith saw their daughter for the last time.

In late summer 2011 there were a series of hearings in juvenile court to determine whether Darrell and Leanna would keep custody of Chaunell and Jameelah. Two lawyers from Banner Desert Medical Center and two lawyers from Barrow Neurological Institution were present at these juvenile court proceedings. One of the witnesses called to testify was Connie Pyburn, the psychologist hired by CPS, who followed the family most closely.

*"I still feel bad about that case," Pyburn admits. "CPS was really trying to get her to break the bond with her mother and testify against her mother. The counselors all work for CPS; even though they say they are giving family services, it's not true. I was a witness for CPS and it felt like a betrayal to me ... the whole thing felt like it had been decided in advance."*



Chaunell and Leanna during happier days.

## Familiar Story in Arizona

Leanna's is a story that has become devastatingly familiar to families in Arizona.

"The cards are all stacked against the parents," argues Cliff Hoeltz, cofounder of the Arizona Family Rights Project, an organization working to reform the Department of Child Safety and educate parents about their rights.



"The parents never find out all the information about the charges against them or the accusations. But the foster parents know everything. And they use that information to corrupt the children to think their parents are bad."

Abusing a child is a criminal offense. Though Leanna was investigated eight times for child abuse, no evidence of any wrongdoing was ever found.

And one minute before Chaunell turned 18, the case to terminate Leanna's parental rights was closed with no findings against her.

## Children in State Custody Shield Hospitals and Doctors from Malpractice

*"As long as that child is in state custody, that hospital is insulated from a malpractice action from the parents,"*

says Beth Alison Maloney, a lawyer and author based in southern Maine who has over a decade of experience helping neglected and abused children and has not been involved in Leanna Smith's case.



Photo by Lori Oransky

Attorney and Family Advocate Beth Maloney. Image from [BethAlisonMaloney.com](http://BethAlisonMaloney.com)

*"The courts and the hospitals have been very successful in keeping it all quiet, with gag orders and sealed files," Maloney continues.*

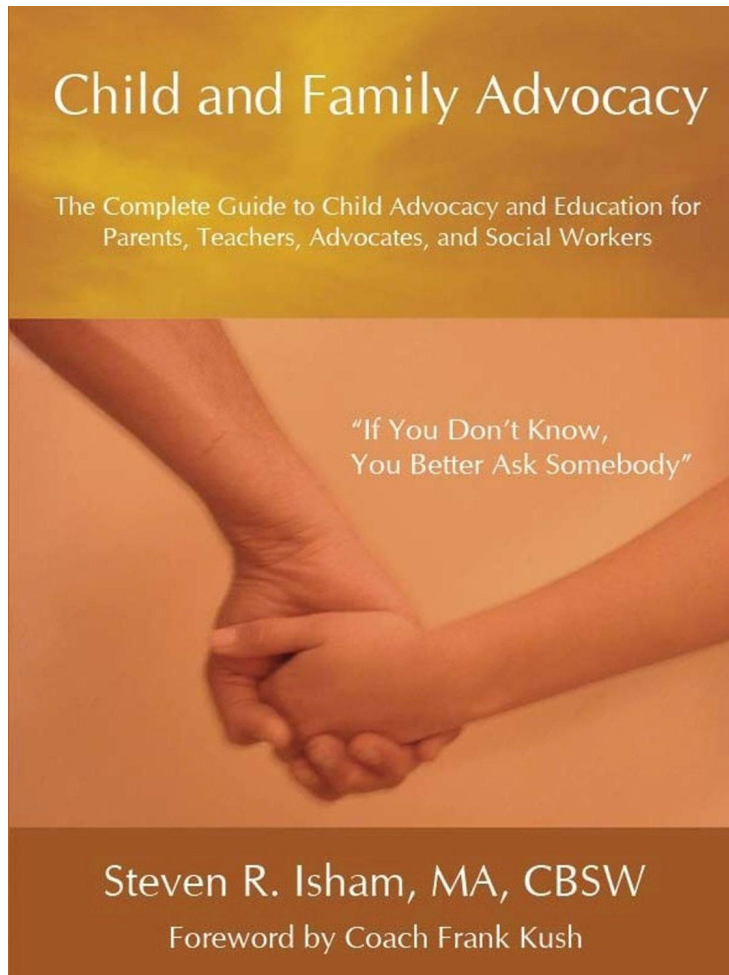
*"If custody is returned to the parents, they don't want to say anything because it might happen again. They are walking on eggshells, keeping their mouths shut from fear. Threatening to take away your children is a very effective way to keep parents quiet about what is going on."*

But Leanna says she cannot give up. It's not just that she wants to get her younger daughter back in the home where she belongs, she wants to expose the corruption in a state system that is supposed to be helping and protecting children but is being used to protect medical professionals and hospitals.

\* \* \*

## **A Million Dollars Per Child – "Fraud at the Highest Level"**

Six years ago Leanna contacted a man named Steve Isham to review her case, a pro bono service that he offers to families in distress if, after interviewing them and reading their files, he believes there is evidence of wrongdoing.



Steve Isham, **Author**, College Instructor, and Family Advocate.

A social worker who spent six years as the director of a state-funded nonprofit to help mentally ill children and who actually participated in drafting CPS protocol guidelines in the late 1990s, Isham was shocked by the discrepancies he saw in the files.

*"I saw the financial records. CPS was billing over a million dollars a year for Chaunell," Isham says.*

*"Then you have a contractor for CPS saying that most of the procedures that were done on Chaunell were uncalled for, and that Leanna was telling the doctors to do procedures they shouldn't have done. The discrepancies in this case are too glaring to make sense. If it is really true that they were doing unnecessary medical procedures, that's fraud at the highest level."*

## Some Legislators Recognize there is a Problem



Kelly Townsend, Arizona State Legislator District 16

State representative Kelly Townsend has introduced legislation to protect children from being separated from their parents because of disagreements with doctors. The Bill, HB-2283, specifies that a child whose parents seek a different doctor for a second opinion, or refuse to give their children psychotropic drugs, cannot be considered an abused or neglected child for that reason alone. It also specifies that before a child is taken out of a parent's custody for medical reasons, three outside licensed physicians must agree with the assessment.

Townsend is optimistic that the situation for Arizona's children will improve.

*"I have full confidence that our leaders will find a way—whether it's through my legislation or changes at the agency or both—to see to it DCS is topnotch and does the job it is intended to do while protecting parents' right and children's safety," Townsend tells me.*

## Leanna: "I will Never Stop Fighting"

There's a picture of Leanna and 12-year-old Chaunell from the baby shower for Jameelah before all the problems started. Chaunell is pink-cheeked and smiling. She's wearing a light green shirt that matches her mother's sparkling green eyes. Her hair is done neatly in cornrows, her arm thrown lovingly around her mom's shoulders. Even the corner of Leanna's eyes are smiling as she grins for the camera, a jaunty pink hat on her head, brown hair cascading past her shoulders.

"They made her think I wanted to kill her," Leanna says, wiping away the tears as she looks at the picture. "But I've never stopped fighting for her and her sister. And I never will."



Legal Crimes AZ Facebook Page by Leanna Smith

Listen to an interview with Leanna on the national broadcast of the Robert Scott Bell show:

<http://www.epictimes.com/robertscottbell/2015/01/leanna-smith-on-the-robert-scott-bell-show/>

Read the **Opening Brief** to their Civil Rights case in the U.S. 9th Circuit Court.

### **About the Author**

Jennifer Margulis, Ph.D., a former Senior Fellow at the Schuster Institute for Investigative Journalism at Brandeis University and Fulbright grantee, is an award-winning travel, culture, and parenting writer. Her work has appeared in many of the nation's most respected and credible publications, including the New York Times, the Washington Post, and on the cover of Smithsonian Magazine. A meticulous researcher who is not afraid to be controversial, she is nationally known as a journalist who opens people's eyes to the realities behind accepted practices in the care of children.

A sought-after public speaker, Jennifer Margulis has appeared live on prime-time TV in Paris (she is fluent in French) to talk about child slavery in Pakistan and was prominently featured in a PBS Frontline TV documentary, "The Vaccine War." She is the author/editor of five books, including, **Your Baby**,

Your Way: Taking Charge of Your Pregnancy, Childbirth, and Parenting  
Decisions for a Happier, Healthier Family.