



## **Indian youth's death ends a troubled life**

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VALLEY, Wash. – Even in death, the fate of Robley "Bobby" Carr Jr., remains unclear.

This afternoon, in a small memorial at an evangelical church near this Stevens County town, Bobby's friends and family will gather to remember a teenage foster child and his traumatic life.

After that, it's uncertain where the body of the 15-year-old will be interred. Bobby's foster father, Steve Horton, said he is unsure whether the boy will be buried near his hometown, or hundreds of miles away on an Indian reservation in Western Washington.

The death last weekend of the teenager was a tragic coda to a child dependency case that dragged on for more than a decade as the state's Division of Child and Family Services and two small Native American tribes struggled to resolve where and with whom Bobby and his siblings should live.

A descendant of the Nooksack Tribe in Western Washington, as well as Alaska's Hoonah Indians, the Carr children fell under a 1978 federal law designed to safeguard native children and keep intact their tribal heritage.

But that law and its interpretation by social workers led to confusion, a string of court hearings, and tragedy, critics say. In 2003, the state and federal governments agreed to pay the Carr children \$5 million after they were repeatedly beaten at a foster home on the Nooksack Indian reservation near Bellingham, Wash.

Under the terms of the settlement, the children's money is managed by a professional trustee, with yearly payments. For Bobby, those payments would have continued until 2044 in case his abuse prevented him from holding employment, according to Allen Ressler, a Seattle attorney who represented the children.

"To some extent, the Indian Child Welfare Act was used as an excuse for the failures on the part of the state to supervise the placements," said Ressler. "You had essentially two different entities saying, 'You're responsible.' 'No, you're responsible.' We felt, 'Hey, you're both responsible.' "

The teenager's death remains under investigation. The Stevens County coroner is awaiting the results of a toxicology report.

Horton, a 65-year-old divorced foster father, lives on Social Security disability income because

he hurt his back in an on-the-job accident. Horton said his painkillers, which include the narcotic methadone, were kept in a locked case, as is required of foster parents.

"I don't know if he got into my pills somehow or got something from somebody else," Horton said during an interview at his small cabin in rural Stevens County. "It is the worst thing I've ever been through."

One child, many cultures

Within a year of his birth in 1991, Bobby was removed from his parents' care amid concerns of substance abuse and domestic violence. In the next five years, Bobby and his three siblings – now 16, 13 and 11 – shuttled through more than a dozen foster homes.

At each step, state social workers were required to consider the Indian Child Welfare Act. Designed to give tribes jurisdiction over their own children, the federal law attempts to meet two crucial hurdles: Remove children from dangerous families yet help them maintain cultural ties.

Because of a dearth of Indian foster homes, state social workers must frequently place Native American children with non-Indian families. Those placements can result in a loss of Native American culture and a profound sense of isolation, according to a 1998 study.

"There's a lost sense of identity (with the Indian foster children), not knowing where they fit," said Nancy Dufraine, Indian Child Welfare Manager for the state's Children's Administration.

While Native Americans constitute only 2 percent of the state's population, they accounted for 17 percent of all child fatalities in Washington last year, according to a report by the state's ombudsman for children and families.

Even top state officials don't know how many native children are in tribal placements. Under the federal law, tribes can choose to take jurisdiction over a dependent child or allow the state's child welfare system to care for them. But individual tribes are not required to tell the state how many children are in their foster care programs.

"Some tribes will share the data, and some tribes will not," Dufraine said. "They want to be able to protect their constituents and their members."

The Carr children's travails highlighted a litany of troubles plaguing native children in Washington's child welfare system.

"This case is an example of any problem you care to name that DCFS has," said Rebecca Coufal, an attorney for the children's father. "Let's just say that if it could go wrong, it did go wrong. Over and over again."

Bureaucratic battles

In 2000, under a joint decision by the Nooksacks and the state agency, the children were placed in the home of a tribal councilwoman near Bellingham.

According to court documents filed in the 2003 lawsuit, the state failed to review the safety of the home or conduct a criminal background check on the home's residents – one of whom had a previous assault conviction. Communication between the state and the Nooksack tribe broke down. School officials were accused of ignoring bruises on the children.

The children "were beaten and tortured on an almost daily basis," according to the lawsuit.

"No child should have to go through what they have gone through," Horton said.

The youngest of the children, then 5 years old, lost three-quarters of his intestine after a teenager in the home repeatedly kicked him in the stomach. One of the girls had to be admitted to a psychiatric hospital.

"I'm just crazed about the kind of foster homes they had these kids in," said a government employee, who asked not to be identified because supervisors had not approved the conversation. In the winter of 2000, the children moved into the home of Sharon and Vance Peterson, a Spokane County District Court judge. At the Petersons, the children had advocates and caring foster parents, said Ressler, the children's attorney.

The Petersons "hold a special place in my heart," Ressler said. "I hold them in high esteem."

But Bobby Carr continued to struggle. His "extreme sibling aggression and defiant behavior" led to a brief psychiatric stay and more foster homes, according to records obtained by The Spokesman-Review.

In September 2001, Bobby moved in with foster parents Steve and Carol Horton, who lived in a log cabin near Waitts Lake in Stevens County. The couple was granted guardianship of the boy.

"When we took him, we didn't know anything about what went on across the mountains," Horton said.

Life in Stevens County

From the start, the boy was a challenge. Sometimes he would spend hours crying for his mother, and at other times he would fly into violent rage. Horton wondered what could have happened to make him so angry.

"I know Steve loved Bobby," said Sandy Peterson, Bobby's former foster mother. "Steve did miracles with Bobby, but Bobby was unhappy because he wanted a mom."

In 2004, the Hortons' marriage ended in divorce.

"Bobby took it bad," Horton said. "He called Carol 'mom' – except to her face. After she left, he was a wreck."

Even after the settlement, disputes continued. Last spring, the Hoonah Indian Association filed a motion to modify the children's guardianship, arguing that the "minimal contact" between the children and their tribe had "adversely affected" them.

In 2005, Bobby visited his tribal relatives in Alaska, where his sister lived in foster care. A state social worker accompanied Bobby.

"When he came back from Alaska, he knew everything," Horton said.

But in recent months, Bobby's attitude gradually improved, Horton said. The teenager was earning better grades and participating in football at Valley Elementary and Middle School.

Even so, Horton remained concerned.

Horton said Bobby took anti-depressants to help his mood.

"He was depressed without question," Horton said. "He never talked about committing suicide." On the day before he died, Bobby and his foster father worked together making improvements on Horton's property. They worked until dark and then ate, and the teenager played video games, Horton said. Then they watched a movie and went to bed about 1 a.m.

"We had a good day," Horton said Bobby told him.

In the morning, Horton went into the boy's room to ask him to go to town. He found the boy dead with his German shepherd-Rottweiler mix puppy by his side.

"He was a good kid," Horton said. "He was on the honor roll. He was coming around. But he still had anger deep inside and a lot of pain."