

New York welfare policy claims a second infant's life

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When Tabitha Walrond, a 19-year-old welfare recipient in the Bronx, gave birth she decided to breast-feed her son Tyler. Seven weeks later her child died of malnutrition.

This case is remarkably similar to that of a six-week-old infant who died of malnutrition in March 1997. In that case the 21-year old mother, Tatiana Cheeks, was a welfare recipient from Brooklyn who decided to breast-feed her child. In both cases the mothers were entitled to Medicaid services that the system denied them. Experts agree that if these infants had received the proper pediatric checkups that the two mothers were entitled to, but were bureaucratically denied, the deaths never would have taken place.

In both cases district attorneys decided to prosecute the mothers for the deaths of their children. In the case of Ms. Cheeks prosecutors dropped the case when they were convinced by lactation experts and pediatricians that the health of a breast-fed infant can only be determined through weigh-ins and examinations during regular doctor visits. The legal fate of Ms. Walrond may very well turn out differently. Her trial in the Bronx has been postponed from the original date of March 16, but is currently scheduled to begin on April 20, although there is some possibility that the prosecutors may drop the charges.

Although Ms. Walrond breast-fed her baby faithfully every day she did not know that she was at a great risk of providing insufficient nutrition due to breast reduction surgery she had undergone when she was 15 years old. Medical records indicate that the significance of this operation went unnoticed during her prenatal and postpartum care.

Prosecutors have claimed that the most compelling evidence of her criminal neglect is the pictures of the baby taken eight days before his death. However

lactation experts say that pictures can be very misleading, and that the baby had to be weighed by a qualified pediatrician to determine his health. This is because when infants are not getting enough milk they will compensate by utilizing their own fat stores, and therefore do not act sick. Then suddenly the infant can fall severely ill.

This is apparently what happened to Tyler. When Ms. Walrond found him unresponsive, she rushed him to the Albert Einstein College of Medicine in the Bronx, but he died on the way. At the hospital it was discovered that he weighed five pounds, almost three pounds less than on the day of his birth.

It is clear that this tragedy would never have taken place if Ms. Walrond and her baby had received the care that she was entitled to under Medicaid. Tabitha and her mother made numerous attempts to secure the medical rights to which they were legally entitled, but each time encountered extraordinary bureaucratic roadblocks. The state department of health services, HIP, asked the city for an identification number to pre-enroll Tyler about five months before his birth. The city's Medicaid computer system rejected this request each time, and responded by saying his eligibility was pending. As a result Tyler was never seen at an HIP center.

Virtually the same thing happened in the death of Tatiana Cheeks' six-week-old infant. Ms Cheeks desperately attempted to get a Medicaid card for her baby, but the outpatient clinic of the New York Methodist Hospital in Brooklyn told her that her baby was not entitled to care through Medicaid until she got a temporary letter of eligibility from a Medicaid office only a few blocks away. This turned out to be an impossible task, as she encountered the same kind of bureaucratic rigmarole experienced by the Walronds.

Moreover, in Ms. Cheeks' case the New York State Department of Health would later conclude that the Brooklyn hospital was wrong in turning her away. They found that Ms. Cheeks was entitled to immediate care for her infant under Medicaid and hospital rules.

These two cases are symptomatic of a more general problem. New York Mayor Rudolph Giuliani has spearheaded the attack on Medicaid rights as part of his overall attempt to reduce benefits for the poor. The mayor has already stated that he seeks to "end welfare" by the year 2000, and has taken a number of steps to make it more difficult for the needy to obtain welfare, Medicaid and food stamps. He has even placed illegal hurdles in the way of those seeking assistance. For example, federal statutes require municipalities to allow an individual to apply for these benefits the first day they walk into a welfare office. However for a very long time, under Giuliani's directives, the city refused to allow an individual to apply unless the applicant returned a second day.

Whether or not the Bronx District Attorney will proceed in prosecuting Tabitha Walrond is yet to be seen. Ms. Walrond's lawyer, Susan Tipograph, told the *WSWS* that the case was postponed because of new evidence brought forward by a pathologist, who testified that Tyler was suffering from a congenital adrenaline problem. Her client faces 15 years in state prison if convicted. Ms. Tipograph said, "A terrible injustice will be committed by putting this young woman in jail. I hope that the district attorney, in evaluating the new evidence and the feeling of the public, will reevaluate his decision to prosecute."



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