

Referee throws out case against Sylvia Young

Detroit mother lost three children in house fire

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A referee at the Third Circuit Court in Detroit on Friday threw out the case against Sylvia Young, the 31-year-old mother who lost three small children in a house fire March 2.

Referee Kathleen Walton-Allen acknowledged there were no grounds to accuse Young of negligence and rejected the petition of the court-appointed guardian to retain court jurisdiction over Young's surviving children. The referee ordered that Young be given full custody of her four children once a seven-day period for the guardian to appeal had ended.

While further legal action cannot be excluded, the ruling was a major setback to DTE Energy, the news media and state authorities, which backed the witch hunt against Young in order to exonerate the utility giant for the children's deaths.

Hours before the fire, the single unemployed mother had pleaded with a representative of DTE not to shut off gas and electrical service to her home, where she and seven children, including a three-month-old infant, lived. Later that evening, with temperatures falling below freezing, she was forced to leave her children in the care of her 12-year-old son to go out and buy space heaters. When she returned, the house was engulfed in flames.

The March 2 fire on Bangor Street on Detroit's west side was one of several fatal blazes at homes without utilities since the beginning of the year. In response, the Socialist Equality Party launched the Citizens Inquiry into the Dexter Avenue Fire, which issued its findings and recommendations last week, including the call for the dropping of all charges against Young and the return of her children.

Young arrived at the probable cause hearing with her three siblings—Jimmy, Shomika and Tawana—and other supporters prepared to testify on her behalf. Also present in the court room was Larry Porter, the chairman of the Citizens Inquiry, and this reporter, who served as a commissioner for the Inquiry.

The court-appointed guardian, Mayssa Attia, put Young on the stand and proceeded with a line of questioning aimed at proving she was unfit to care for her children. Although at times she was emotional, crying when references to the fire were made, Young spoke confidently and forcefully answered the charges.

Asked if she had left her children "alone" on the night of the fire, Young responded, "I went to get space heaters. My landlord was responsible for the lights and the gas, but earlier in the day DTE cut off the gas."

The guardian's questioning amounted to a legal fishing expedition aimed at dredging up whatever information she thought could damage Young. There were several questions about past dealings with the state's welfare agency, the Department of Human Services, and at one point Attia asked provocatively, without the least substantiation, "Were there ever any issues of substance abuse?"

Each of these attacks was parried by Young, who presented a picture of a young woman who battled through poverty and government indifference to raise her children as best as she could.

During questioning by her own attorney, Marcus Connor, Young explained the events leading up to the tragedy. She said she paid the landlord rent that included utilities and had never had problems with heat or lights during the three months she lived at the house until the day of the fire. She explained that a DTE representative came to her door that day and "told me the lights and gas were on illegally and that he was going to cut it off." She continued: "I told him the lease agreement included the utilities, but he wouldn't wait 15 minutes for my landlord to bring it."

After the utilities were shut off, the landlord sent a worker to reconnect the electricity and brought a space heater. This was not enough to heat the two-story wooden house, however.

"I had to keep my kids warm, so I went out to get the heaters," Young said. Because her car was in the repair shop, she called her sister Tawana, who came in a small car with her two infants sleeping in the back seat. "The store was less than a mile away," she said. "I couldn't bring the kids, so I left them with Tywon, who is 12. He is my right-hand man." She added that she left him a cell phone in case of emergency.

While she was at the store, Young continued emotionally, neighbors called and said her house was on fire. "I tried to get there as fast as I could. I wasn't even gone 30 minutes," she said, crying as she spoke of the firefighters removing the bodies of her small children.

Tywon demonstrated his responsible character and maturity by acting to save as many of the children as possible. "My son got them out of the house," she said, adding that he had dropped three-month-old Serena out of the window into the hands of neighbors.

Richard Karoub, a state assistant attorney general who filed the original petition on behalf of the Department of Human Services (DHS), also questioned Young. After a grueling and intrusive investigation, involving police and fire investigators, his department failed to find any grounds to charge her and dropped

its case on March 18. However, the petition was then re-filed by the court-appointed guardian, a highly unusual step.

Karoub asked several questions of Young, which helped illustrate the desperate situation she faced when she decided to leave the house.

The guardian then asked Young: “You felt that you could leave these children all alone in the care of a 12-year-old?” to which she replied, “I had no other choice.”

Next to testify was Sylvia’s welfare case worker, Amy Lidell, who outlined the services the state had given the young mother, while acknowledging that additional help for the children failed to materialize due to budget restraints. Under questioning from Sylvia’s attorney, Lidell acknowledged that DHS and other agencies had thoroughly checked out the mother’s story and concluded she had told the truth.

“She was trying to keep her kids safe and warm,” Lidell said. “I drove to the two discount stores where she went to buy the heaters. It was approximately a seven minute drive.”

Lidell added that “all the struggles with the loss of their siblings and removal of their mother” had traumatized the surviving children. Their return to their mother, she said, along with grief and other counseling services and housing assistance, would help in their recovery.

Each party then made final arguments. With nothing to answer the refutation of her case, the court-appointed guardian once again accused Young of abandoning her children on the night of the fire. Even after all her assistance from DHS, Attia said, “she showed poor judgment.”

Continuing, the guardian said, “She could have sent her children to her mother’s until she resolved the issue with DTE,” unmindful or indifferent to the fact that hundreds of thousands of residents in metropolitan Detroit have had their utility services terminated by the energy conglomerate.

In his summation, Young’s attorney said the case did not meet the criteria for court intervention based on Michigan law, which says a petitioner must prove that a parent is neglectful or refuses to provide necessary support to his or her children, including a fit home. “Sylvia did everything a mother could possibly do based on the interests of the children,” he said. “It was DTE that cut off electricity and put her in this situation. Her 12-year-old demonstrated his responsibility. The fire was not her fault.” He urged the referee to reject a “weak and inappropriate case.”

In his remarks, Assistant Attorney General Karoub acknowledged it was rare that his department would oppose a petition in a custody case, but he said there were no grounds to keep Young from taking custody of her children. The petitioner, he said, accuses her of “a lapse in judgment, but I’m not sure what else she could have done. She did all she could do to get heat for her children.”

The court referee then made her decision. Walton-Allen declared there was no probable cause to authorize the petition to remove the children from Young’s custody. The fire, she said, was a “tragic accident,” and she acknowledged there was no law prohibiting a 12-year-old from babysitting other children. “We throw poverty into the mix and we see a mother doing the best for her children,” the referee said.

“I will dismiss this case,” she concluded, and “recommend that the children be returned to their mother. I hope that you and the children can move on.”

The decision was highly political and motivated by the knowledge that the state, despite its best efforts on behalf of DTE, did not have a shred of evidence to pursue its witch hunt against Young. Moreover, the political establishment in Detroit is concerned over public sympathy building for Young and growing opposition to DTE and its deadly shutoff policies, expressed above all in the campaign initiated by the Socialist Equality Party.

If Young is not responsible for the death of her children, then DTE is. This is the conclusion that is increasingly being drawn.

In an effort at damage control, the *Detroit News* ran a front-page feature defending DTE on Friday. Entitled, “Electricity Theft Rising in Detroit,” the article blamed the Bangor Street and other fires on “illegal hook-ups,” and claimed the utility company faced a “dilemma” when it shut off service. “We’re the bad guy no matter what we do,” the president of DTE’s Detroit Edison division told the newspaper.

While acknowledging that the recession has led people to take desperate measures such as splicing into the energy grid, the article declared that the “utility can’t give away energy,” and noted that DTE has a 61-man “Revenue Protection Unit” that cuts off 500 unauthorized hookups every day.

After the case was dismissed, the *World Socialist Web Site* spoke with Sylvia Young. “I have been dragged through hell for nothing,” she said. “They did more to hurt my kids while they claimed they were looking after them. I hope we can move on and grieve together.

“The fight with DTE is not over. I hope nobody else has to go through what I have.

“Without support, I don’t think I could have done this. I am grateful and thankful to the Citizens Inquiry. I would not have gotten through this without them. Now the fight is just starting.”

Sylvia’s brother, Jimmy, added, “I’m relieved more than anything else. I’m happy for my sister and nephews and niece. But this is going to be a long fight.

“We have to draw attention to what is happening to people with the utility shutoffs. People’s lives here and in places like West Virginia where the coal miners were killed are being sacrificed for dollars. While the light is on us, we have to show people what my family has just gone through and fight to make sure it doesn’t happen again.”



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