In wake of 5-year-old's death, concerns surface about effectiveness of official supervision

By Lauren Stanforth
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Knox

In the months leading up to his death, 5-year-old Kenneth White slept in a La-Z-Boy recliner wedged into a small bedroom in a cluttered trailer he shared with a half-dozen people, 10 cats and five dogs.

Kenneth's teenage cousin — who was later charged with killing him — slept next to him in a twin bed. Kenneth's younger sister curled up on the floor nearby in sleeping bags, and his twin sister slept down the hall in a toddler's bed.

The living arrangements were set up last September, when Albany County Family Court Judge Gerard Maney granted custody of Kenneth and his sisters to their aunt, Brenda VanAlstyne, who said she was trying to give her sister's children a better life when she took them early last summer.

Caseworkers from Albany County's Child Protective Services visited the trailer three times, according to the aunt, and declared it a safe living environment.

"They were so much better off and CPS knew it, they even told me that," VanAlstyne said. "They had their own spaces. It was clean. ... They got their teeth brushed. They were seeing doctors."

But the living arrangement turned out to be deadly for Kenneth.

Police said his cousin, Tiffany VanAlstyne, now 20, had been diagnosed with bipolar disorder
and was only sporadically taking her medications. Police believe VanAlstyne, who often babysat her young cousins, sometimes erupted in fits of rage and may have beaten the children in the weeks before she allegedly bludgeoned and strangled Kenneth and dumped his body over a nearby road guardrail into the snow.

He isn't the only Capital Region child to die while under the supervision of child protective services.

A Times Union review of 51 child fatality reports issued by the state Office of Children and Family Services found seven such cases in the Capital Region between 2007 and 2012. In those instances, families were investigated for neglect shortly before a child in the home died, sometimes at the hands of a babysitter, parent or other relative.

In one case, an infant was tortured for weeks, his bones broken, his anus torn. Another infant was born with drugs in its system, but was still sent home with a drug-addicted mother. The deaths were not always caused by abuse and were sometimes attributed to a terminal illness exacerbated by poor living conditions.

The reports don't cover all child deaths in the area examined by the Times Union — Albany, Rensselaer, Saratoga and Schenectady counties — and were limited to the reports the state decided, without detailed explanation, to make public. The reports don't identify the children or their caretakers, but many of the cases were matched with publicly reported police investigations.

Mary Rozak, a spokeswoman for Albany County, said the county's Department for Children, Youth and Families will not comment on individual cases, including the Kenneth White case. But Rozak said that state social services law says the state's first obligation is to try to keep families together. "The child's need for a normal family life will usually best be met in the home of its birth parent," the law states.

Schenectady County officials said that in two of the four fatality cases reviewed by the Times Union a judge returned the children to the home. "In our cases, child protective was going to remove the child and they were ordered back by Family Court," said Christopher Gardner, Schenectady County attorney.

Concerns about the effectiveness of the child protection system stretch nationwide. An Associated Press investigation in December found at least 786 children in the United States who died in a six-year period while their caregivers were being investigated by caseworkers or who were receiving preventive services.

In 2013, New York state investigated Erie County Child Protective Services after the death of 5-year-old Eain Brooks of Buffalo, who was sexually assaulted and whose head was smashed against a bathtub by his mother's boyfriend. Relatives said they pleaded with caseworkers to have the man removed from the house. The state found that Erie County CPS workers routinely did what was minimally required, and closed 170 cases where there was continuing abuse and
maltreatment in the homes.

In Kenneth White's case, he and his sisters were the subject of CPS oversight dating back years. In 2010, their father, Jayson White, was arrested in Amsterdam after being found passed out next to a marijuana pipe, leaving a 4-year-old son to care for his 1-year-old sister and two 7-month-olds — who were Kenneth and his twin sister.

Brenda VanAlstyne visits her daughter regularly at the Albany County jail. In a recent interview at her home, VanAlstyne said her daughter, who didn't graduate from high school, was proud of helping her raise the children — helping them learn to write their names and put snacks in their lunch boxes for school.

"My house was crowded, of course; it's a three-bedroom. There were seven people living here," said VanAlstyne, 43, who receives permanent disability payments from the government after injuring her back while working in a warehouse. An 18-year-old male who VanAlstyne has cared for since he was a child also lives there. "We made the best of it," she said.

VanAlstyne said she agreed to take the three youngest of her sister's five children after seeing dog feces and urine on their clothes and beds, and constant fighting between their parents. Kenneth's mother, Christine VanAlstyne White, and his father declined to be interviewed.

VanAlstyne said caseworkers from Albany County visited her trailer and saw the sleeping arrangements. Kenneth White’s recliner was wedged between Tiffany's bed and the wall of a tiny bedroom, with an even smaller space left for his 4-year-old sister on the floor. Kenneth's twin sister slept in Brenda VanAlstyne's bedroom.

She said CPS caseworkers interviewed the children individually to ask if they were happy in their living situation. She said she also spoke with caseworkers in Montgomery County, where the children previously lived, and an official there encouraged her to seek legal custodianship because the children would be attending Berne-Knox-Westerlo Elementary School and living with her for the foreseeable future.

Maney, who has been an Albany County Family Court judge since 1991, declined to comment, citing a law barring judges from discussing pending cases.

"The judge, he knows I had her last kids. He knows that," VanAlstyne said about five of her sister’s other children who were eventually placed in foster care and offered for adoption. "He knows they were taken care of. I think that's why he gave them to me this time."

After Kenneth's death, Maney refused to allow VanAlstyne to see Kenneth's sisters because she is suffering from anxiety and post traumatic stress disorder, and hasn't seen a counselor in a year.

VanAlstyne said no one at CPS previously knew about her own mental health struggles, which are the result of being raped when she was younger, she said.
Others connected to VanAlstyne have had troubled pasts. Her former partner, Kenneth VanAlstyne, who co-owns the trailer and stays there most weekends, was convicted 25 years ago of running over one of his children with his car and not seeking medical attention for him. The 7-year-old died.

Kenneth VanAlstyne's son, also named Kenneth, served time in state prison for attempted rape. But Brenda VanAlstyne says she never allowed Kenneth's son to stay at her house after he was released from prison.

The Town of Knox cited code violations at the trailer after Kenneth's death. But the problems were limited to a wood stove not being properly ventilated and a lack of smoke detectors in every bedroom — things that were quickly remedied, VanAlstyne said.

Tiffany VanAlstyne was indicted recently on charges of murder and manslaughter in connection with Kenneth's death. Her mother said that in the days before Kenneth's death, Tiffany was struggling with taking her medication and hadn't slept. But she says she doesn't know what went wrong.

"It bothers me, even in my car now. I'm used to seeing the kids in the back in the rearview, laughing and joking around," VanAlstyne said. Kenneth's sisters are now in foster care. "And now it's quiet, no one is there."

*Alysia Santo contributed to this report. lstan-forth@timesunion.com*

**Capital Region child deaths**

**Unsafe sleeping+:** 21

**Illness:** 13

**SIDS:** 6

**Drowning:** 4

**Stillbirth:** 2

**Suicide:** 2

**Homicide:** 2

**Car accident:** 1

* Information was taken from 51 reports on children up to age 17 who died in Albany, Rensselaer, Saratoga and Schenectady counties between 2007 and 2012. The cases were investigated because the deaths were suspicious or because a caregiver had been previously involved in a child protective services investigation.
Unsafe sleeping includes adults rolling on top of children, or children placed in a crib with pillows and blankets

Deaths by age*

One-year-old and younger: 37

Ages 1 to 5: 5

Ages 6 to 13: 4

13 to 17: 5

Deaths by county*

Albany: 26

Rensselaer: 8

Saratoga: 3

Schenectady: 14

*Deaths were part of 51 child fatality reports released by the state to the Times Union that happened between 2007 and 2012 in Albany, Rensselaer, Saratoga and Schenectady counties.

Source: New York state Office of Children and Family Services; Times Union research