

# How a baby, now 4 months old, was left without a name

She was born at a D.C. hospital, and for reasons that are heartbreaking, complicated and frustrating, she still doesn't have a birth certificate



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If life had started gentler for the baby girl who was born at a D.C. hospital on a Sunday in January, traces of cocaine wouldn't have been found in her system, a birth complication wouldn't have left her unable to control her right arm and she wouldn't have been sent home without a name.

But life did not start gently for her. Not at all.

Court records show that her mother was struggling with mental illness and addiction during her pregnancy, told people she didn't want the baby and left the hospital shortly after giving birth and before filling out important paperwork.

They also show that despite repeated efforts by the woman who is now caring for the baby, the 4-month-old remains without any official documents bearing a name. The child doesn't have a birth certificate, and without that, she can't obtain a social security card, receive benefits she is entitled to or qualify for Medicaid.

"No one can go through life without a birth certificate," Yolanda, a retired civil service employee, told me as we sat at her kitchen table on a recent morning. She spoke on the condition that I identify her only by her first name because she plans to raise the child and wants to maintain some privacy for her.

"I want her to have the best, especially being she got such a rough start," Yolanda said. "Even though I didn't birth her, in my heart, she's mine. I want her to grow up knowing I wanted her. I want her to know she has a family who loves her. I want her to get a good education. I want her to know she matters, that her life matters."

Yolanda didn't expect to be raising a baby right now. She worked for 39 years at the U.S. Postal headquarters before deciding to retire. She planned to spend these days concentrating more on her health and traveling. Instead, she spends them changing diapers, searching online for a type of formula that is difficult to find and rarely going anywhere without the baby.

"Daycares won't take her because she doesn't have a birth certificate," she said, "and I don't want to leave her with just anyone."

How the family ended up in this situation is a heartbreaking, complicated and frustrating story. It involves mental illness, bureaucracy and court filings. It also shows how families who take in children to keep them from ending up in the foster care system can find themselves navigating unexpected legal and financial challenges without the support of government agencies.

If D.C.'s Child and Family Services Agency had licensed Yolanda to serve as a foster parent to the baby, she would have received a subsidy and the agency would have been able to get the birth certificate issued, removing any concern about the child receiving medical care and other services and supports, said Marla Spindel, the executive director of DC KinCare Alliance, a nonprofit organization that serves relatives and family friends who take on those caregiver roles for children who can't remain with their parents.

"Instead, CFSA arranged for the baby to be placed with Yolanda informally, setting her up for roadblock after roadblock, when she was just trying to do the right thing by this child," Spindel said.

Spindel got involved with the family's case after a judge recommended Yolanda contact the organization. Spindel, who is an attorney, said she has asked several D.C. government agencies to help the family but none have. She has also filed several motions on behalf of Yolanda in D.C. Superior Court requesting that a judge order the D.C. Vital Records Division to issue a birth certificate for the baby.

Court records indicate that the CFSA got involved with the baby after she was born with traces of cocaine in her urine and brachial plexus palsy, which caused muscle paralysis in her right arm. At the direction of CFSA, the records show, the hospital released the baby 10 days after her birth into the care of Yolanda, who served as a foster parent to the baby's mother when she was a teenager.

"Mom did call on the day of discharge and confirmed to a social worker that she was aware that her mom Yolanda ... was going to come and get the baby and take the baby home," reads a form from the hospital that is included in the court records.

"Even though she was 35, she still called me mom," Yolanda said of her foster daughter Jessica. "She aged out of the system, but she didn't age out of my life."

Yolanda said shortly before the baby was born, she visited Jessica in a psychiatric ward at a hospital and begged her to stay there. She promised she would, but then left that night. Not long after that, while Yolanda was traveling in Turkey, she received a call from the hospital telling her the baby had been born.

Yolanda doesn't have any biological children of her own, but she has served as a foster parent for 19 kids over the years. Jessica was 14 years old when she came into her home and Yolanda could tell the teenager was struggling with depression. "She would just cry for unknown reasons," she said. "The sadness was deep."

After the baby was born, she and Jessica appeared in court together, so that Yolanda could get temporary custody. They also went together to D.C. Vital Records. Yolanda said she had been told a birth certificate couldn't be issued because Jessica hadn't filled out a "mother's worksheet" at the hospital that would have listed the baby's name. She hoped taking Jessica with her that day would help, but it didn't. Jessica didn't have any identification on her and too much time had passed for them to correct the hospital paperwork.

The court records show that Yolanda then took additional steps. She applied for permanent custody, which was granted. Again, she went to Vital Records. This time, court records show, she was told she needed to get guardianship, which she would have been eligible for if she had been licensed as a foster parent for the baby.

Spindel said D.C. officials or the court need to find a way to help Yolanda soon, because the family now faces an urgent situation.

Earlier this month, after not hearing from Jessica for a few weeks, Yolanda learned that she had died. A cause of death has not yet been determined, but this past Wednesday, a celebration of life was held for her. A funeral pamphlet described her as "spiritual, giving, kind, smart, funny."

That pamphlet sat on a kitchen island next to a Fisher Price rocker on the day a photographer and I visited the family. The loss has left Yolanda mourning the woman who called her mom and worrying about the baby she now mothers. The hospital recommended that the baby receive regular physical therapy for her arm and Yolanda takes her weekly. That therapy and her monthly doctor appointments have so far been covered through Jessica's Medicaid, but that coverage could now end at any moment.

"Without her insurance, what do I do?" Yolanda said. "By the time she starts school, I want her to have full use of her arm. I don't want her to be teased or bullied."

She said she can't afford to pay those medical costs out of pocket. Paying \$62 a week for formula is already stretching her budget.

"This was not part of my retirement plan," she said. Before deciding to leave her job, she considered her car payment, utility bills and mortgage. She did not consider the cost of diapers, baby clothes and child care. Getting that birth certificate, she said, will allow her to apply for the benefits the baby should be receiving and start saving money for her education.

When that birth certificate finally arrives, Yolanda knows what name will appear on it. The baby may not have an official name, but she has one that everyone calls her: Justyce.