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## Hard lemonade, hard price

Dad's oversight at Tigers game lands son in foster care

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FREE PRESS COLUMNIST

If you watch much television, you've probably heard of a product called Mike's Hard Lemonade.

And if you ask Christopher Ratte and his wife how they lost custody of their 7-year-old son, the short version is that nobody in the Ratte family watches much television.

The way police and child protection workers figure it, Ratte should have known that what a Comerica Park vendor handed over when Ratte ordered a lemonade for his boy three Saturdays ago contained alcohol, and Ratte's ignorance justified placing young Leo in foster care until his dad got up to speed on the commercial beverage industry.

Even if, in hindsight, that decision seems a bit, um, idiotic.

Ratte is a tenured professor of classical archaeology at the University of Michigan, which means that, on a given day, he's more likely to be excavating ancient burial sites in Turkey than watching "Dancing with the Stars" -- or even the History Channel, for that matter.

The 47-year-old academic says he wasn't even aware alcoholic lemonade existed when he and Leo stopped at a concession stand on the way to their seats in Section 114.

"I'd never drunk it, never purchased it, never heard of it," Ratte of Ann Arbor told me sheepishly last week. "And it's certainly not what I expected when I ordered a lemonade for my 7-year-old."

But it wasn't until the top of the ninth inning that a Comerica Park security guard noticed the bottle in young Leo's hand.

"You know this is an alcoholic beverage?" the guard asked the professor.

"You've got to be kidding," Ratte replied. He asked for the bottle, but the security guard snatched it before Ratte could examine the label.

## Mistake or child neglect?

An hour later, Ratte was being interviewed by a Detroit police officer at Children's Hospital, where a physician at the Comerica Park clinic had dispatched Leo -- by ambulance! -- after a cursory exam.

Leo betrayed no symptoms of inebriation. But the physician and a police officer from the Comerica substation suggested the ER visit after the boy admitted he was feeling a little nauseated.

The Comerica cop estimated that Leo had drunk about 12 ounces of the hard lemonade, which is 5% alcohol. But an ER resident who drew Leo's blood less than 90 minutes after he and his father were escorted from their seats detected no trace of alcohol.

"Completely normal appearing," the resident wrote in his report, "... he is cleared to go home."

But it would be two days before the state of Michigan allowed Ratte's wife, U-M architecture professor Claire Zimmerman, to take their son home, and nearly a week before Ratte was permitted to move back into his own house.

And if you think nothing so ludicrous could happen to your family, maybe you should pay a little less attention to who's getting booted from "Dancing with the Stars" and a little more to how the state agency responsible for protecting Michigan's children is going about its work.

## Doing their duty

Almost everyone Chris Ratte met the night they took Leo away conceded the state was probably overreacting.

The sympathetic cop who interviewed Ratte and his son at the hospital said she was convinced what happened had been an accident, but that her supervisor was insisting the matter be referred to Child Protective Services.

And Ratte thought the two child protection workers who came to take Leo away seemed more annoyed with the police than with him. "This is so unnecessary," one told Ratte before driving away with his son.

But there was really nothing any of them could do, they all said. They were just adhering to protocol, following orders.

And so what had begun as an outing to the ballpark ended with Leo crying himself to sleep in front of a television inside the Child Protective Services building, and Ratte and his wife standing on the sidewalk outside, wondering when they'd see their little boy again.

## A vain rescue mission

Child Protective Services is the unit of the Michigan Department of Human Services responsible for intervening when someone suspects a child is being abused, neglected or endangered. Its powers include the authority to remove children from their homes and transfer them to foster parents who answer only to the state.

By law, CPS officials are forbidden to discuss the particulars of any investigation.

But Mike Patterson, Child and Family Services director for the Wayne County district that includes Comerica Park, said that in general his agency's discretion is limited once police obtain a court order to remove a child from the parental home -- usually authorized, as in Leo's case, by a juvenile court referee responding to a police officer's recommendation.

"Once the court has authorized a child's removal," Patterson told me, "we cannot return the child to the parental custody" until the court has OK'd it.

But that doesn't explain why CPS refused to release Leo to the custody of two aunts -- one a social worker and licensed foster parent -- who drove all night from New England to take custody of their nephew.

Chris Ratte's sisters, Catherine Miller and Felicity Ratte, left Massachusetts at 10:30 the night of the

fateful lemonade purchase after the police officer who'd reluctantly requested a removal order told Ratte the state would likely jump at the chance to place Leo with responsible relatives. But when the two women arrived at the CPS office early Sunday, a caseworker explained they would not be allowed to see Leo until they had secured a hotel room.

The sisters quickly complied. But by the time they returned to CPS around 10:30 a.m., their nephew had been taken to an undisclosed foster home, where he would remain until a preliminary court hearing the following afternoon.

By that Monday, April 7, when Ratte and his wife returned for a meeting with Latricia Jones, the CPS caseworker assigned to their case, no one in the family had been able to talk to Leo for a day and a half.

## More investigation needed

At a hearing later that day, Jones recommended that Leo remain in foster care until she had completed her investigation, a process she estimated would take several days. It was only after the assistant attorney general who represented CPS admitted that the state was not interested in pursuing the case aggressively that juvenile referee Leslie Graves agreed to release Leo to his mother -- on the condition that Ratte himself relocate to a hotel.

Finally, at a second hearing three days later, Graves dismissed the complaint and permitted Ratte to move home.

Don Duquette, a U-M law professor who directs the university's Child Advocacy Law Clinic, represented Ratte and his wife. He notes sardonically that the most remarkable thing about the couple's case may be the relative speed with which they were reunited with Leo.

Duquette says the emergency removal powers of CPS, though "well-intentioned" are "out of control and partly responsible for the large numbers of kids in the foster care system," which is almost universally acknowledged to be badly overburdened.

Ratte and his wife have filed a formal complaint with the CPS ombudsman's office.

"I have apologized to Leo from the bottom of my heart for the silly mistake that got him into this mess," Ratte wrote in the complaint. "But I have also told him that what happened afterward was an even bigger error, and I would like to be able to say to him that institutions, like people, can learn from their mistakes."

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