

# Ugly Death Of California Boy, 6, Prompts Closer Look At Foster Care

*Foster care for abused and neglected children has been described as a national bureaucratic nightmare. Reform of the foster care system is expected to be a major focus of a state Master Plan for Services to Children and Youth. A public hearing on the progress of the plan is scheduled for 9:30 a.m. Thursday in Room 6031 of the Capitol. The following is the first of a two-part Bee investigation into the death of a California foster child.*

**By Sigrid Bathen**  
Bee Staff Writer

**CRESCENT CITY** — Danny Balfour turned 6 on Aug. 28, 1979. Less than a month later, he was beaten in a dingy green frame house across the street from the Del Norte County

Welfare Department. He died in a hospital on Sept. 21 of massive head injuries.

Danny Balfour was a foster child, a veteran of at least seven and perhaps 13 foster homes, depending on whose estimate is accepted, but his life ended in the last one.

He died much as he had lived — abused, battered, neglected, ignored. He was passed around this rugged north coastal town like a slab of lumber or a fish, which are the mainstays of the community's tenuous economy.

Photographs of child abuse are painful to look at, and probably more painful to take. The police photographer is grim, and the detective assigned to the case has tears in her eyes, as they look at the big color pic-

tures of a comatose 6-year-old hooked up to futile hospital life-support machines.

The pictures show a thin young body with bruised buttocks and circular red welts scattered across the torso.

"There were other bruises," the detective says, "that didn't show up until the next day."

What keeps the photographer going in this kind of work, taking pictures of battered children?

"Maybe," he said, "it will help nail the bastard who did it."

As near as the police can tell, Danny Balfour was beaten to death sometime on the afternoon of Sept. 18, 1979, in the green frame house at 863 Ninth St., where he was placed by the welfare department some two months before. Records at Crescent City's Seaside Hospital indicate he was brought to the emergency room at 8:25 p.m., in an ambulance summoned by his foster father.

The doctors managed to get Danny Balfour's heart going again with radical life support techniques, but privately they believed the boy was virtually dead. They told the police detective the only hope was to transfer him to Rogue Valley Memorial Hospital in nearby Medford, Ore., where

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# Foster Care

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surgeons might be able to relieve killing pressure on the boy's brain by boring holes in his skull.

At midnight Sept. 18, Danny Balfour was transferred by ambulance and helicopter to Medford, where the surgeons determined the futility of boring holes in the skull. He remained on life-support machines until he died, officially, on Sept. 21, of massive head injuries.

At various times during the two days Danny Balfour was dead or dying in Medford, a vigil of sorts was kept at Rogue Valley Hospital by his divorced natural parents, Sidney Balfour and Ardith McNamer; his foster parents, Eugene and Darla Diaz; his 11-year-old brother Leonard Balfour, who was also placed by the welfare department in the Diaz home; and an assortment of family friends, former foster parents, police detectives, probation officers and welfare workers.

On Sept. 19, when Gene and Darla Diaz returned to Crescent City from Medford, 25-year-old Gene was arrested by the Crescent City Police Department on charges of killing Danny Balfour. Shortly before the arrest, Darla Diaz's 3-year-old son Christopher and the Diaz couple's 1-year-old daughter Irene, were removed from the home of Darla's parents — where they had been temporarily left while the Diazes went to Medford — by child protective services workers. The workers said they found "suspicious" marks on the 3-year-old.

The children have since been returned to their mother, who is expecting another child this month. She was outraged by the allegations, after insufficient medical substantiation for an abuse case involving the 3-year-old. Gene Diaz remains in the Del Norte County Jail awaiting a Dec. 3 jury trial on second-degree murder charges. He has pleaded innocent.

Beyond the sordid details of the Balfour case, longtime critics of the foster care system say they see Danny's death as merely one more tragedy in an unending litany of similar horrors.

In the larger sense, the Balfour case may have focused statewide attention on the multi-million dollar foster care business in California, which is responsible for the care of some 26,000 abused and neglected children at an 1979-80 cost of \$189.5 million, the bulk of it state money. National estimates place the number of children in foster care nationwide at 500,000, but nobody really knows for sure. The experts say the real figures are probably much higher.

Two teams of investigators from the state Department of Social Services, which oversees county licensing procedures for foster care, have been dispatched in recent months to Crescent City, and the Del Norte County Grand Jury is investigating allegations that the local welfare department mismanaged foster placement of Danny and his brother Leonard.

Central to both investigations is the fact that the Diaz home was unlicensed — a not uncommon occurrence in California foster care — and that Gene Diaz had a felony criminal record.

Details of Diaz's criminal record, the Balfour boys' placement in the Diaz home, and their preceding history of foster placement in Del Norte County, were obtained by The Bee from official sources, from the families themselves, and from foster parents and individuals who knew the Diaz and Balfour families. Del Norte County Welfare Director Gertrude McNamara and case worker Peter Ross have consistently refused to return Bee telephone inquiries about the case.

Although she consented reluctantly to a Bee interview in Crescent City after the boy's death, McNamara

refused to discuss details of the Balfour case with a reporter, citing the confidentiality of welfare department case files. At one point in the criminal prosecution of Diaz, she was threatened with contempt of court for initially refusing to provide the Diazes' licensing application to District Attorney Robert Weir, who is personally prosecuting the case.

Gene and Darla Diaz were recommended as foster parents for Leonard and Danny Balfour by their mother, Ardith McNamer. For a time before the Diazes rented the main house in July, McNamer resided in a small bungalow behind the Ninth Street house where Danny was allegedly beaten to death by Gene Diaz.

"I met them through my son Leonard," said McNamer, who now lives in San Jose. "Leonard used to go over there all the time when they were living on Seventh Street, and Leonard said Gene was such a fantastic person."

"I went to the welfare and I talked to them about the boys going to live with the Diaz family. The welfare department made arrangements for me to leave the boys with them, and I took them over (to the Seventh Street apartment) a couple of days before I left in July. . . . A woman raising children by herself — it's very difficult — and I couldn't take my kids with me at the time." She said she did not know about Gene Diaz's criminal record.

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The Seventh Street home was a one-bedroom unit in a converted auto court known as the Plaza Motel. An official close to the case said a required home visit was apparently not made by the welfare department before the boys were allowed to be placed there, and Darla Diaz insists one was never made there or at the Ninth Street house, where the family moved in early July. Official accounts indicate that a brief home visit was made on Ninth Street.

Clearly, however, the placement of two foster children in a one-bedroom apartment already occupied by a family of four would not have been in keeping with state regulations for foster placement.

Official sources indicate Darla and Gene Diaz applied for the foster home license on June 29, and the boys were placed with them July 3. Those sources also say Gene Diaz was "out-front" about his felony record, a second-degree robbery conviction in Long Beach when he was 19, for which he served nearly two years at Deuel Vocational Institution, a state men's prison near Tracy.

Those sources say the "felony box" on the foster parent application was checked by Diaz, and Darla Diaz said the couple personally told the welfare

department about Gene Diaz's record when they filed the application June 29. A felony record does not automatically exclude an individual from obtaining a foster parent's license in California, but approval from the state Department of Social Services is required before the license can be granted.

The wheels of foster placement turn slowly. State law requires licensing agencies to submit fingerprints of applicants to the state Justice Department, which in turn makes a criminal identification investigation and reports back to the licensing agency.

Justice Department spokeswoman Gina McGuinness said the Diaz application was received from the Del Norte County Welfare Department on Aug. 24, nearly two months after the initial application. Information on Diaz's record was sent to the welfare department, according to McGuinness, on Sept. 19, the day after Danny Balfour allegedly received his fatal beating. McGuinness said the timing was entirely coincidental.

In an Oct. 4 letter to the Del Norte County Board of Supervisors, state Social Services Deputy Director Ann Bersinger, who heads the community care licensing division, said "no apparent violations of laws or regulations applying to licensing of community care facilities" were committed by the Del Norte County Welfare Department in the Diaz-Balfour case.



"The Balfour children were wards of the court and could be temporarily placed in an unlicensed home if an application was pending with the welfare department," Bersinger concluded.

"An application was properly taken," Bersinger said. "Processes were in progress that had not been completed. There is no way to eliminate the possibility (of a Balfour case). All you can do is reduce the risks."

"When something like this happens, we have to determine whether or not we can reduce the risks even further. . . . It's a tragedy that this happened, certainly, but I would like to see what

we can do to improve the system, rather than headhunting."

A subsequent state investigation by placement experts within social services is still in progress. That investigation is generally regarded as the more crucial of the two state probes into the Balfour case.

State Social Services Director Marion Woods, whose department inherited the community care licensing division in the 1978 state Health Department reorganization, said his legal office is drafting proposed legislative changes in the licensing laws as a result of Danny Balfour's death.

"These changes have been under way for a long time," he said, "but have been accelerated by this incident." Licensing laws are complex to draft, even more complex to administer. Woods and his staff emphasize that foster placement — like parole decisions — requires human judgment, and mistakes are inevitable.

Anyone familiar with foster care will tell you that foster parents — qualified and otherwise — are hard to find and underpaid. In Del Norte County, foster parents are paid \$141 per month for a child up to 6 years old — an increase of \$18.50 as of July 1. The statewide average is believed to be about \$185 per month, with much lower rates in small, rural counties like Del Norte.

Foster parents receive little or no training in what it means to take care of a child who has been abused and neglected for most of his or her life. Behavioral and physical disorders are the rule among such children, and their presence can be extremely disruptive to the foster family.

Critics of foster care in California note, ironically that Gov. Brown recently vetoed a bill which would have provided minimal training for foster parents.

As foster children go, Danny and Leonard Balfour were not prizes. Their natural father was a chronic alcoholic who was released from state

prison last spring after serving nearly three years for sexually abusing his two stepsons, Jim and Ronald — Leonard and Danny's older half-brothers.

When interviewed by The Bee, their mother was living in San Jose and working as a nurse's aide. Of her five children by three different fathers, three sons, including Leonard, are in some form of foster or institutional care, a young daughter is with her father, and one, Danny Balfour, is dead.

Next: What Went Wrong?

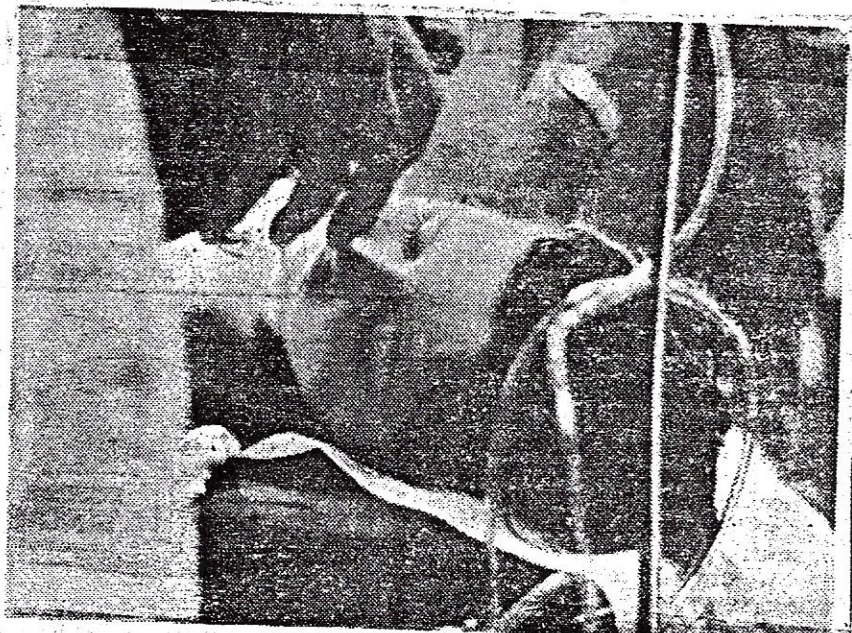
Photo Special To The Bee



DANNY BALFOUR  
fatal beating



GENE DIAZ  
arrested in death



Comatose Danny Balfour in hospital bed.



## Death Of A Child

# The Insecurity Of Foster Homes

*Foster care for abused and neglect- ed children has been described as a national bureaucratic nightmare. The following is the second of a two-part Bee investigation into the beating death of a California foster child in an unlicensed home.*

By Sigrid Bathen  
Bee Staff Writer

CRESCENT CITY — Mary Raymond was Danny Balfour's foster mother from October 1978 to February 1979. She was one of several foster parents who finally had to give up on Danny.

"Leonard and Danny Balfour were hard to place," she said, "and the Welfare Department was grateful for anyone to take them. They were extremely disruptive."

Del Norte County Welfare Department records are closed to the public, but state records verify seven California foster placements for Danny, and other foster families in the county put the estimate as high as 13. Mario De Solenni, attorney for the boys' natural father, Sidney Balfour, says 11-year-old Leonard has been in as many as 19 foster homes, although state records, which do not include out-of-state placements, verify only five.

"I loved Danny," Raymond said. "He was a real lovable little guy, but he had no concept of right or wrong. There was no way to keep him from lying. I think he just didn't know what the truth was."

"You couldn't take your eyes off him. He was very destructive. He'd have bowel movements and paint the wall with it. He constantly wet the bed."

"I tried a trick that worked with my own kids to stop bed-wetting, and I thought at first it worked with Danny. I'd give him a teaspoon of honey and tell him that would keep him from wetting the bed. Obviously it wouldn't, but it was psychological. For some time after that, the bed wasn't wet and I thought I had made a real breakthrough."

"One day I was cleaning the upstairs bedrooms, and I smelled this strange odor coming from an opening to the attic. Guess who had been using what for a potty? There was an opening to the attic covered by a board, and he'd go in there."

"I thought maybe he was afraid to go downstairs to use the bathroom, even though I always kept a night light on, so I gave him a can to use if he had to go at night and didn't want to come downstairs. He used the can, then dumped it in the attic."

Raymond and other foster parents and friends who knew the Balfour boys also raised questions about the guilt of Gene Diaz, the boys' foster father, who is charged with Danny's murder. Diaz, who served a 20-month state prison sentence in 1974-75 for second-degree robbery, is well-liked by many local residents and is a

member of a close-knit Assembly of God church also attended by Raymond.

"Darla and Gene Diaz stayed at our

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home and took care of it when we were gone," Raymond said, "and the kids just loved him. Gene did not try to hide the fact that he had a record. Gene was very strict with Danny, stricter than I would be, but they were well-behaved and mannerly whenever I saw them."

Another Crescent City woman, an Assembly of God church member familiar with the Balfour boys' history, who asked that her name not be used, said Danny "was a kid who needed a lot of love." She said that when she heard Gene and Darla Diaz had taken him in, "I was delighted because they have a lot of love to give."

"Gene really buckled down on him. Danny finally had somebody — a male figure — who would correct him and stand by it. Whenever I saw Gene punish Danny, it was nothing more than a swat on the rear."

That woman and others also raised the possibility — long considered by police and prosecutors — that Danny was beaten, not by Gene Diaz, but by his brother Leonard. There were no witnesses to the Sept. 18 beating that allegedly killed Danny, and the original story told to police by Diaz and Leonard was that the latter had administered the fatal beating.

"I had seen Danny (at a previous foster home) when he came back from visiting his mother and brothers," that woman said. "Once there were bruises all over his legs and

arms and back. Danny said Leonard beat him up."

That account is substantiated by Raymond and foster mother Barbara Lear, who had Danny from August until Raymond took him in October 1978:

"Danny went home and came back with the biggest bunch of bruises and welts I've ever seen," Lear said. "The second time it happened, I called Pete Ross (the Del Norte County welfare worker assigned to Danny's case), and he told me Danny wasn't to go over there if Leonard was there, that they didn't get along."

A specific inquiry to the Welfare Department asking why, given that history, Danny and Leonard were placed in the Diaz foster home together, received no response.

Lear said she, like other foster mothers who kept Danny at one time or another, "just couldn't take it anymore."

"We went into foster care with the feeling that maybe we could help these kids," Lear said. "Not only did we receive no cooperation from the (natural) families, but none from the Welfare Department either."

"The whole time I had Danny, nobody from the Welfare Department came by. Never while I had a foster child — and I had seven — did they come to check. They only came by when it was time to remove them."

Lear pointed to a persistent criti-

cism of foster care in California and around the nation — the unwillingness of social workers and the courts to sever the parental rights of demonstrably unfit natural parents.

"The main problem was that they kept placing Danny back with his mother, whose house was constantly filthy and where the older boys were constantly beating on Danny and he was always black and blue," Lear said. "Peter Ross told me he shouldn't be with the mother, that he was always better off when he was in a foster home."

Foster care experts emphasize that a child needs permanence — if he or she can't get it in the natural family, which is the preferred setting, then the child should be quickly and per-

manently placed with an adoptive family. Instead, the critics say, the system as it currently operates discourages permanence and encourages multiple placements — until a child becomes so confused by the changing environment that he or she develops severe behavioral problems, drops out of school, runs away, gets involved in criminal activity.

Foster care is very often the beginning of juvenile crime, the experts say, pointing to Charles Manson — a kicked-around, abused and abandoned child who lived in a variety of foster and institutional settings — as a particularly chilling example.

And, critics say, nothing in the system offers real help to the natural family — alcoholism counseling, for



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example, or homemaker assistance to a single mother struggling to care for her children on a poverty-level income. Instead, the system simply waits until the natural parent snaps under the pressure, neglects, or abuses the child, and then the child is placed in foster care.

Many, like Danny and Leonard Balfour, are returned, replaced, returned. Children remain in foster care — designed by law as a temporary alternative — for years. According to the Children's Lobby, a volunteer California organization that lobbies for programs to aid children, two-thirds of all children who enter foster care grow up in it, with as many as 15 homes "not uncommon" for foster children.

Danny Balfour attended a preschool program at the Bess Maxwell Elementary School in Crescent City the year before he was placed with the Diaz family by the county Welfare Department. He was known to be hyperactive, difficult, frequently having toilet problems.

His demeanor at the Fort Dick Bible Academy, a private Christian school where Gene Diaz sent Danny and Leonard, was quite different. Danny's teacher at Fort Dick, who asked that her name not be used, said the child was "sedate, quiet" — a far cry from his behavior at Bess Maxwell the year before.

"He had a slight speech defect, and

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Photo Special To The Bee



A July 1979 photo and the ages then of the subjects: standing is Leonard Balfour, 10½. Seated, from left, Darla Diaz, 9-month-old Irene, Christopher Diaz, 3; Danny, 5½, and Eugene Diaz. The group was on the front porch of the house where Danny was fatally beaten.

Although Leonard was at school on Sept. 18, Danny wasn't. Reportedly, Gene Diaz had told the teacher he was taking Danny to see a doctor.

In late August, a few weeks before Danny was killed, his natural mother, Ardith McNamer, said she visited the boys at the Diaz home. "I had made arrangements with Gene to take them for a visit, but when I got there he said Danny had been a bad boy and had messed in his pants and was being punished by not being allowed to visit me. I didn't like it, but I went along with it.

"The next day when I visited, Danny's whole side of his face was black and blue. Gene told me he'd hit his head on the bathroom fixture. I wasn't so sure about that, so I told (case worker) Peter Ross about it, but apparently he didn't do anything."

Neither, apparently, did Ross raise questions about the marital split of the Diazes. "Gene called the Welfare Department and told Peter Ross that she (Darla) had left," said Debbie Edwards, wife of the Rev. Wayne Edwards, associate pastor of the Assembly of God. Gene said Pete understood things like that happen and had told him to wait and see."

Darla Diaz, who is expecting the couple's second child this month, did not live in the Diaz home for several weeks prior to Danny's death, and friends of the couple said Gene was "under a lot of pressure." Sources close to the Diaz-Balfour case question whether Ross was informed of Darla's absence, but they also question whether a Welfare Department "home visit" was made during the weeks she was away.

The Edwardses say they paid several impromptu visits to the Diaz home while Danny and Leonard were living there. "I've never seen anyone take care of children not his own like he did," Debbie Edwards said. "Gene did strike the boy in the face once when Danny spit at the table. Gene backhanded him and left a bruise. We asked about it because they go to our church."

Crescent City is a small town. The Balfour boy's death has shaken the townspeople deeply. Sides have been chosen, each deeply committed to its own and distrustful of the other. Public Defender David Stanley, Diaz's attorney, has moved for a change of venue because of publicity about the case and the vehemence of public opinion about it.

"There was no place for those kids to go," said Darla's friend, Vickie Spangle. "Everyone in this county knew the Balfour boys, and nobody wanted them."

"We loved them very much and didn't want to see them passed around again," said Darla Diaz, who has reconciled with her husband. "They

had been passed around so much, and the Welfare Department didn't care about them.

"I know Gene loved those boys very dearly. He only wanted the best for them. Just before this happened, he went and bought them \$100 worth of clothes."

# Death

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you had to listen very carefully in order to understand him," she said.

"His relationship with his foster father was very loving and caring, from what I saw. When he talked to the boys he would get down at eye level and talk to them. The two boys were very affectionate with each other — when the kindergarten children left chapel, Leonard would go around and give Danny a kiss.

"The only thing I noticed in particular was that Danny didn't seem to have freedom of motor movement. He was slow, and he complained that his leg hurt. He had a hard time sitting down and standing up. He acted like he hurt or was sore somewhere. I called the foster father, and he said he would get Danny to a doctor."

Fort Dick tuition is \$50 a month for kindergarten, \$60 for older elementary, plus books. At the time of Danny's death, Gene Diaz was unemployed. Although his wife received Aid to Families with Dependent Children, he and Darla were separated at the time Danny received the fatal beating.



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Virginia Anthony is a detective for the Crescent City Police Department. She has spent the better part of three months on the Balfour murder case, starting at Danny's bedside in the Seaside Hospital emergency room, then on to Medford, Ore., where he died at Rogue Valley Hospital on Sept. 21, then home again to talk to all the people who might know something.

She remembers the emergency room at Seaside and "a very battered little boy who was unconscious. They were giving him shots and CPR to try to revive him. The doctor said he was clinically dead, but with a child so young, if there is half a chance . . ."

Anthony says Danny was disciplined for wetting his pants, disciplined for messing in his pants, then he'd get scared that he'd be beaten if he wet or messed his pants, so he'd wet or mess his pants because he was nervous.

Anthony said Leonard originally decided to take the rap for Gene. In Medford, the boy began to crack. "He finally broke into tears and said Gene had asked him — or Gene and he agreed mutually — that he would take the blame so Gene wouldn't have to go back to prison. He said Gene told him he got mad and whipped Danny because he had sassed him, that he had thrown him against the wall."

Sidney Balfour is 46 years old and was released from state prison last April after serving nearly three years for sex perversion involving his two stepsons, Leonard and Danny Balfour's half-brothers. A chronic alcoholic, he says he's kicked the habit and if he could get through the trauma of Danny's death without taking a drink he's doing pretty good.

Last week, his attorney, Mario De Solenni, filed a \$5 million wrongful death action against the county, charging Del Norte officials with violating the "guidelines, rules, regulations and laws of the state of California for placement of minors in foster homes."

Sidney Balfour also is fighting in the courts to regain custody of Leonard, and Sidney Balfour has a lot of odds against him.

He was, however, something of a model prisoner at the California Men's Colony in San Luis Obispo, and he apparently is doing well on parole — taking courses to become a mechanic, attending Alcoholics Anonymous meetings. His arrests prior to the big one were mostly for petty drinking offenses, although there were two misdemeanor child abuse complaints, one involving Leonard as a baby, years ago in other states.

Sidney Balfour probably would be the first to admit he's been a lousy father to his two boys, but he says he intends to make it up to the one who's left. Police remember he was there in the Medford hospital throughout the two days of Danny's dying, that he never left even to sleep.

In this long-distance telephone interview from his Eureka telephone booth, he remembers mainly that he had nothing to give to Danny.

"Drinking is always what's got me in trouble, and the only thing I could think of to do for Danny was to have the pallbearers put a copy of the AA Serenity Prayer in the casket before they put him in the ground.

"I wanted to do something, and it was the only thing I could think of to do."