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**‘I cried into my pillow. Where was my sweet little boy? Was he, at least, safe?’**

OLGA MARTINEZ, with her children, Dariela and Ricardo, in Hollywood, Fla., last month.

son. When they walked through the door, she fell to her knees and enveloped him in her arms.

Ricardo wriggled out of her embrace, shouting: “What took you so long? Why didn’t you come find me sooner?”

Olga was at a loss to explain to her 5-year-old just how desperately hard she had tried, how nobody had notified her and how she had tracked him down through a network of relatives only after months of detective work. She showered him with presents and, when he softened, kisses. At their visit’s end, she took his picture in the woolen hat with tasseled ear flaps she had brought him, capturing the sad eyes of a boy about to be separated from his mother again.

Civil rights groups have long accused the D.C.F. of mishandling immigrant families.

Hispanic children, who, like Black children, are more likely to be reported for neglect or abuse, are also more likely to be removed from their homes and more likely to be placed with strangers. They get moved around more and tend to stay longer in foster care.

But language barriers compound things. In a federal civil rights complaint, the Greater Boston Latino Network and other groups have accused the department of failing to provide adequate interpretation services, creating a risk of wrongful family separations.

Olga was appointed a free lawyer who did not speak Spanish. Because her English was still rudimentary, she decided to pay for one who did, and that cost her more than his \$2,000 fee: The lawyer specialized in immigration, not family law. And it appears from the docket — the record is impounded — that he failed to make what could have been a crucial early plea.

In his place, lawyers consulted for this article said they would have immediately requested a temporary custody hearing and argued that Olga should be presumed fit absent any proof that she posed an imminent risk to her child. A simple background check could have been done and the judge could have questioned Olga. And then, in the best of circumstances, Olga could have walked out of the courtroom with her child.

But the child protection system was at that very moment embroiled in a cross-border custody scandal.

It involved a 5-year-old girl named Harmony Montgomery, a ward of the state whose father, a New Hampshire resident, had sought her custody. Abiding by its internal regulations, the Mass-

achusetts D.C.F. asked New Hampshire to approve the move under a 62-year-old agreement called the Interstate Compact on the Placement of Children. But the judge disagreed with this request, considering it an infringement on the father’s right to parent his child, and did not wait for New Hampshire to respond.

The interstate compact was created primarily to govern cross-border foster care moves. Whether it applies to fit parents has been widely debated across the country, and high courts in at least a dozen states have said it does not.

The National Association of Counsel for Children agrees. “Applying the compact to parents who simply live out of state, when there is no finding or even allegation of wrongdoing, is unconstitutional and harmful to children,” said Allison Green, its legal director.

But in late 2019, two years after the Massachusetts judge awarded custody to Harmony Montgomery’s father, the authorities in New Hampshire revealed that the girl was missing and presumed to be dead.

Her shadow hung over Ricardo’s case. Nobody in the Massachusetts child-welfare system wanted to take another potentially deadly risk involving the interstate compact.

And so not long after Olga returned to Hollywood, she was fingerprinted, drug-tested and visited by ChildNet, a private agency under contract to Florida. A caseworker found her home “very neatly kept and well maintained,” with a nicely decorated children’s bedroom. Yet in her report, in which she misidentified Olga as Guatemalan, the caseworker concluded that Ricardo would not be safe there.

“The mother is not a legal resident of the United States,” she wrote. “She could be deported at any time.”

This argument comes up frequently in cases where parents are detained by immigration authorities and fighting deportation. Yet Olga was not in deportation proceedings. She was simply one of the hundreds of thousands of unauthorized immigrants in Florida who, posing no threat to national security or public safety, are not an enforcement priority under Biden administration rules.

And she already had a child in her custody, Dariela, then 7, whom Florida had made no effort to remove on the same grounds.

Under the interstate compact, a receiving state’s denial is technically binding. But legal experts said there could have been a quiet agreement among the

parties to ignore a decision considered inappropriate.

**Taking Action**

Back in Massachusetts, the case froze, just as Ricardo’s situation was growing newly turbulent. His father’s girlfriend’s sister wanted him out, and because no foster homes were available, the boy was likely to be placed in a group home and possibly in a different school district, too.

“That’s when all hell broke loose,” his principal said. “I was like: ‘No, this cannot happen. This is the only place he knows as safe since he arrived here.’”

In the end, she saw just one solution: She would take the boy into her own home even if it temporarily upended her life.

Every day, Ms. Soto had hundreds of children in her care. But, with her own children grown, it was something else to mother one — to bathe, feed and discipline one. To be summoned over the

**‘I felt, you know, in the absence of his mother, we have to try to replace that here in the building.’**

GLENDA SOTO, principal of Albert F. Argenziano School in Somerville, Mass., who took Ricardo into her own home at one point.



KAYANA SZYMCAK FOR THE NEW YORK TIMES

loudspeaker to help him in the bathroom. To lie by his side until he was snoring softly because he couldn’t fall asleep alone.

After weeks of observing video calls between Olga and Ricardo, Ms. Soto made it clear to caseworkers that she endorsed a speedy reunion. When spring break arrived with no progress, she asked Mr. Herbold and Ms. Sharr to take in the boy temporarily so she could visit family in San Juan. They leaped at the chance.

It was a tough visit. “He was mad, a mad kid who had been passed around,” Ms. Sharr said. Still, their relationship deepened, and they, too, got to know and trust Olga. When Ricardo returned to the principal, they vowed to do whatever they could to help reunite mother and son — a highly unusual commitment, child welfare experts said.

Their chance came quickly. By the end of the school year, Ricardo was starting to call his principal “Mamá.” But she had summer commitments, and Ricardo was shuttled into a fourth family’s care.

At that point, Ms. Sharr proposed that Olga move into their Cambridge home temporarily so the system could get to know her better. They would support her, they said. Arranging to leave her daughter with the girl’s grandmother, Olga accepted. She was floored by their generosity. “There really are people who are angels,” she said.

She was allotted twice-weekly visits with Ricardo at their house, at the end of which he would beg Olga to let him stay, as if she had a say, and promise to be a good boy, as if his behavior was the issue.

Before long, the child welfare department was proposing a fifth placement. This was not unusual in Massachusetts, which in 2021 ranked 48th among the states in “placement stability” for foster children, according to the Annie E. Casey Foundation. (The agency says it has undertaken new initiatives to minimize moves.)

That was where Ricardo’s advocates drew the line.

By that point, Olga had dismissed her private lawyer and accepted the original court-appointed one, with Ms. Sharr volunteering to serve as interpreter. The lawyer devised a strategy: Mr. Herbold and Ms. Sharr could become Ricardo’s conditional guardians. They would have to surrender their foster care license and assume responsibility for the boy’s health care, but they readily agreed.

In summer 2022, Ricardo joined his mother at their home, and Olga’s new lawyer pushed immediately to schedule a trial to determine permanent custody. But with the government seemingly unable to find an open court date, Mr. Herbold and Ms. Sharr reached out to officials in Florida in hopes of catalyzing a resolution. If the state’s main concern was taking on Ricardo as a ward should Olga be deported, they offered themselves — “citizens of the United States by birth” — as backup.

“To the State of Florida,” Ms. Sharr wrote. “Nick and I are available for Ricardo should the need arise at any point in the future. We are able to care for Ricardo through his 18th birthday (and beyond). He is a part of our family now and we want the best for him, his mother, full biological sister and extended family in Florida.”

**Finally, a Hearing**

In first grade, showing significant improvement behaviorally, academically and in English, Ricardo moved into a mainstream class. “He’s wicked sharp,” Mr. Herbold said. Purple paw prints, awards for class contributions, proliferated on the refrigerator. Spiderman took over elsewhere: Spider-Man pajamas, LEGOs, shampoo. Still, anxiety lurked beneath this cheery surface; a knock on the door would send him diving under a couch to hide.

Over winter break, with Dariela visiting, they all took a trip to New York City, where they rode a carriage through Central Park, sipping hot chocolate. They saw it, with fingers crossed, as a kind of farewell tour: Finally, six months after Olga’s lawyer requested a trial date, one had been scheduled.

On Jan. 19, 2023, after a four-hour hearing, the judge found that Ricardo was “not in need of care and protection as to mother” and should be returned to Olga’s custody.

Why he felt able to disregard the Florida denial at that point is unclear; juvenile judges in Massachusetts are not allowed to discuss their cases.

But before Olga had a chance to embrace her victory, the judge stayed his order for six days to give the child protection department time to appeal. And as she left the courtroom and returned to Florida to get her daughter back to school, Olga feared the worst.

Her advocates, however, chose optimism. On the eve of the department’s decision, Mr. Herbold flew south with Ricardo. A few months later, under a new Florida law, Mr. Herbold would have been criminally liable for transporting an unauthorized immigrant into the state.

But at that moment, as they checked into a hotel, he was on tenterhooks for a different reason.

“OK, so now we go to Mom’s, right?” Ricardo asked him.

“Oh, dude,” Mr. Herbold replied. “You have to hang out with me for the night, because tomorrow the big boss is going to make a call as to whether you get to live with Mom or if you just get to see Mom and then we have to fly back to Boston.”

The next day, more than a year after Olga first presented herself to the authorities in Massachusetts expecting an imminent reunion with her son, the custody decision became final.

Ten minutes after she got the news, Olga arrived at the hotel in buoyant spirits. She ran toward Ricardo and scooped him up in a fierce hug. As she stared into his eyes and he into hers, she staggered into the future with the boy in her arms, dangling but attached.