

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at  
Chairperson

10:00 a.m./~~p.m.~~ on March 11, 1985 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~ Senators Frey, Hoferer, Burke, Feleciano, Gaines, Langworthy, Parrish, Steineger, Talkington, Winter and Yost.

Committee staff present:

Mary Torrence, Office of Revisor of Statutes  
Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Jan Waide, Youth Services of SRS  
Vernell Miller, Adoptive Parents  
Chief Justice Alfred G. Schroeder  
Janet Hatchett, CASA Roots and Wings  
Sue Lockett, Kansas Action for Children  
Ron Smith, Kansas Bar Association  
Betty Barnett, CASA Johnson County

Senate Bill 252 - Limitation on fees and compensation in adoptions.

Jan Waide, Youth Services of SRS, appeared in support of the bill. She stated the passage of this bill will enable the court to determine the circumstances of the placement of the child with the adoptive family. We see it as a protection of the rights of the child as well as the adoptive parents. A copy of her remarks is attached (See Attachments I).

Vernell Miller, Adoptive Parents, appeared in support of the bill. She stated a lawyer offered a baby to her and her husband for \$23,500. This lawyer claimed to have placed from three to five babies a month in states as far away as California. A copy of her testimony is attached (See Attachment II).

Senate Bill 265 - Court-appointed special advocates for children in need of care.

Senator Nancy Parrish presented background to the bill. She pointed out lines 135 through 141 need to be deleted. She explained the bill is to keep the child from drifting through the system of foster homes, and they need to look into a CASA Program in this system.

Chief Justice Alfred G. Schroeder appeared in support of the bill. He explained they presently have two volunteer organizations as court appointed advocates, and they are Roots and Wings in Wichita, and Visions and Hopes in Hutchinson. This group can give them the best information the court can have for children in need of care. He stated the state cannot rear a child; their record is dismal. It is only the parents who are rearing the child, and we hope that child in need of care and the volunteer can correct the situation. Chief Justice Schroeder stressed the need to help the abused child, and the advocates will help considerably.

Janet Hatchett, CASA Roots and Wings, appeared in support of the bill. She stated the CASA program has been very successful in Kansas. They have had 75 cases to date. She explained one of the most important parts of the CASA project is the success of the volunteer program that is involved in juvenile court, is the screening and training of

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 11, 1985.

Senate Bill 265 continued

volunteers. There is a sixteen hour training session. The volunteer has a caseload of two maximum. The advocate finds out a lot of evidence because of constant contact with the parents and the child. The volunteer comes on to the case fresh, because they don't do this every day. She stated CASA can do things no one else can do for the child. Attorneys call them frequently to pass on information as to what is happening with the child. The program has stirred community interest in what is happening to these children. Copies of her three handouts are attached (See Attachments III).

Sue Lockett, Kansas Action for Children, testified their board of directors has voted to support this bill.

Ron Smith, Kansas Bar Association, stated the Bar Executive Council looked at this concept and think this would be a good addition to help children around the state.

Jan Waide appeared in support of the bill. She stated throughout the United States courts and advocacy groups have been developing CASA groups. It appears it is a concept that is in the best interest of children in Kansas. A copy of her remarks is attached (See Attachment IV).

Betty Barnett, CASA Johnson County, appeared in support of the bill. She stated the CASA Program in Johnson County is just getting started. The National Council of Jewish Women is proud to be starting the program. They strongly support the bill.

A committee member inquired where the financial support comes from. Janet Hatchett replied, it is privately funded throughout the community. Marjorie Van Buren reported her department is asking the House Ways and Means Committee to fund a limited amount to spread into the counties that don't have local resources to help them and to provide certification for CASA to see that everybody has training. These workers will always be volunteers. A committee member inquired how many people in CASA. Janet Hatchett replied, they have 75 people, and have trained over one hundred. The committee member inquired, how much time the CASA person spends with the child? She replied, at least four hours a week; they are limited to two cases. Chief Justice Schroeder stated they have found a volunteer going into a home has a lot of credibility if the parents find the volunteer is not being paid anything and the parent does not have to pay anything. Janet Hatchett added they have some volunteers with their program who started out with them 3½ years ago.

A copy of the proposed CASA Program is attached (See Attachment V).

The hearings on Senate Bills 252 and 265 were concluded.

Senate Bill 265 - Court-appointed special advocates for children in need of care.

Senator Parrish moved to amend the bill by striking lines 135 through 141 of the bill. Senator Burke seconded the motion. The motion carried.

Senator Parrish moved to report the bill favorably as amended. Senator Burke seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,  
room 514-S, Statehouse, at 10:00 a.m./~~pm~~ on March 11, 1985.

Senate Bill 252 - Limitation on fees and compensation in adoptions.

Senator Talkington moved to report the bill favorably. Senator Winter seconded the motion. The motion carried.

Senate Bill 168 - Community corrections, chargebacks, custody.

Following committee discussion, Senator Gaines moved to amend the bill by striking new Section 1 and continue with Section 2. Following further discussion, it was the consensus of the committee that the chairman write a letter requesting an interim study.

Senate Bill 191 - Prosecutor's duties with respect to complaints alleging cruelty to animals.

Following committee discussion, Senator Gaines moved to report the bill adversely. Senator Steineger seconded the motion. The motion carried.

The meeting adjourned.

Copy of guest list attached (See Attachment VI).





STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

YOUTH SERVICES

Testimony in Support of S.B. 252

3-11-85

Mr. Chairman, Members of the Committee, I am appearing today in support of Senate Bill 252, a bill that requires a detailed accounting of fees filed with adoption petitions and restricting the type of fees that may properly be paid in connection with an adoption. Each year there are fewer and fewer healthy infants available for adoption in comparison to a growing number of families wanting to adopt. This has created a demand larger than the supply. As any economist can tell you a situation such as that creates a "sellers" market. Unfortunately there are unscrupulous people who are ever ready to take advantage of such situations. Parents wanting to adopt have been easy prey for these entrepreneurs and many have been victimized. Other families resort to desperate measures on their own. Some families are offering to pay large fees to relinquishing parents in order to adopt a child.

There have been several television and newspaper accounts of children being sold into adoption in Kansas. SRS staff have received reports from hospital administrators and the public about families reporting unexpected or extremely high fees paid so they could adopt. In previous testimony relating to the venue bill, Dr. Harder gave information on specific concerns related to fees. A copy of those examples is attached.

We feel badly that families are being victimized simply because they are childless. However, as the state agency charged with the protection of children and the promotion of the general welfare of the state's children, we are greatly concerned about the interests of the child being lost in the adoption market place in which the determining factor in choosing a home for a child is the couple's ability to pay.

We assume that many of the couples who obtain a child in this manner are good adoptive families and will parent well. But what happens to children who are "auctioned off" in this manner and find themselves in homes which cannot accept or meet their individual

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Atch. I

needs? We believe selection of a family should be based on the adoptive parents' ability to accept and provide for the individual child's physical, emotional and spiritual needs.

The passage of this bill will enable the court to determine the circumstances of the placement of the child with the adoptive family. We see it as a protection of the rights of the child as well as the adoptive parents.

CASE EXAMPLES S.B. 252 ADDRESSES

Recently a family from western Kansas called to report they had been contacted by an individual in Wichita who offered them a newborn baby for \$20,000 in cash. When they advised they could not pay that amount, the individual reported he was contacting two other families and if he couldn't get the \$20,000, he would call back. They learned this baby was adopted by another family who could pay \$15,000. The family reported they had been urged to take out a loan, as the individual calling told them they would never have such a good chance.

In July, 1984, a call was received by the local SRS office from a hospital administrator in a Johnson County hospital. Two couples, one from Missouri and one from Texas, had arrived with legal documents granting each custody of the same child. Each couple had paid their attorneys money toward the parents' expenses. The parents had collected monies from both families and signed documents allowing both families to adopt. The Kansas County Attorney and court were notified. The baby was then released to the couple who had paid the other family to drop their petition. The adoption was granted in Kansas.

In October, 1984, a western Kansas hospital administrator called the local SRS office. Five children had been released to New York couples in the last two months. Two families had indicated to nursing staff they had paid extremely high fees to obtain babies. None of these placements were routed through the Interstate Compact on Placement of Children. The Kansas attorney involved was contacted. He explained the judge always waived the need of an investigation if the family was from another state.

In 1981 a California couple mailed a letter to obstetricians throughout the midwest. They advised \$20,000 had been placed in trust for anyone assisting them to adopt. Within two weeks a Kansas baby was placed. California authorities reported the family had been turned down by every agency in that state because the adoptive father was over 80 years of age. The mother's age was not given; however, she had been a "Goldwin Girl" in the 1930's. Several California adoption agencies had counseled the family to not proceed with the adoption because of their ages and health. The adoption was granted in Kansas.

The news director of a television station in Kansas City recently contacted the Kansas State Department of Social and Rehabilitation Services, saying he had been approached by a man who reported he could arrange an adoption for \$30,000 of a "prime" baby. The station manager then learned from the middle man that the baby had been placed with an out-of-state family. The television station contacted the Kansas Attorney General and local District Attorney's office to see if any laws were broken. There is no law to prohibit a baby from being sold.

*Attach. I*

3-11-85  
Miller

WHY LIMITATION ON FEES AND COMPENSATION IN ADOPTIONS IS  
IMPORTANT

I. Infertile and childless couples constitute a highly vulnerable segment of our society for the following reasons:

A. In the United States, people with fertility problems account for ten million persons--15% of the population. Couples whose pregnancies spontaneously miscarry, resulting in their inability to carry a child to full term brings the figure to 17%. (From "Child Welfare" and "American Journal of Orthopsychiatry," as quoted in Childless Is Not Less, by Vick Love, 1984.)

B. On the other hand, abortion now eliminates over one million children a year. ("When You Were Formed in Secret," by Gary Bergel and C. Everett Koop, 1982.)

Of the unmarried women who carry their babies to term, 95%-99% keep them. (According to child-placing agencies.)

Therefore, very few babies are being placed for adoption. Catholic Social Service of Southwest Kansas placed only eight babies within the past year, and the Wichita and Salina Catholic Social Services placed even fewer. (From a phone call to Paula Vinc, CSS worker on Feb. 8, 1985.)

With infertility on the increase and available babies for adoption on the decrease, there is little hope for most childless couples ever to adopt. There is a high demand for babies.

II. Some lawyers have stepped into this situation to exploit it by charging adoptive parents exorbitant fees.

A case in point is the offer made to Paul and Vernell Miller, Hanston, Kansas, of a baby available for \$23,500. The lawyer had a list of prospective parents, some of whom were willing to pay \$17,000 if he could place a baby with them.

This lawyer claimed to have placed from three to five babies a month in states as far away as California.

Yet when the case was brought before the Judiciary Committee for a hearing on September 24, 1984, no reprimand was given, because there were found to be no laws against this practice, which amounts to selling children.

At the same time, such an agreement would not be upheld in court (similar to a gambling debt), potentially exploiting the prospective parents even further, in the case that the child would, in fact, never be delivered to them.

III. The practice of charging excessive rates for the placement of babies takes advantage of adoptive parents in a time of high stress in their lives, discriminates against otherwise deserving couples, and devalues the life of the

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Attch. II

child the birthmother has carried for nine months, no doubt exploiting her also. (From where was the lawyer getting all those babies?) And, ultimately, the child is exploited.

In the above-mentioned case, the baby's alledged birthmother was an engineering student and the birthfather, an airforce pilot. Claims were made that the baby was big and healthy. If the couple were to have adopted this child, they would have had to mortgage their farm in order to do so. If any couple were to have adopted this child at the asked-for price, project the situation ten years, and imagine the pressure the child might be under to do well in school, especially in math! Therefore, the children ultimately are exploited by this situation.

It's time Kansas restricted this type of activity.  
Thank you for seriously considering this issue.

*Atch. #1*



**"There are two lasting gifts we can give our children. One is roots, the other is wings."**

That's what a family is for. Yet hundreds of abused and neglected children in Sedgwick County are now wards of the court — placed in foster care — and have no roots. If they stay in the foster-care system more than one year, statistics show they'll rarely get the chance for *roots*, much less *wings* to soar to their potential.

**Fortunately, there's now a successful program — Roots & Wings**

— that is moving these kids faster through the complicated and often frustrating court system. Moving them into warm, secure, and permanent homes.

To accomplish this, the professionally administered Roots & Wings program relies heavily on citizen volunteers for its special "friend in court" project. These volunteers become Court Appointed Special Advocates (CASAs), with no axe to grind nor allegiance to any social service or legal agency. *Their foremost concern is what's best for the child.*

Each of the volunteers monitors the progress of an assigned child through the state's foster-care system. The volunteer is present at all meetings of the judicial staff and social workers in order to advocate the best interest of the child. In a slow-moving system with high rate of worker turnover, the CASA is the unchanging force in the child's life. The CASA stays with the child all the way through the system, encouraging and hastening permanency planning.

Roots & Wings is in great need of new volunteers to train to become CASAs. To speak up for kids' rights in the foster-care system.

So, if you're looking for a way to make a big difference in the life of an "almost forgotten child," please take the time to read on. Then ask for an appointment for a personal interview. At that time, you — and our program staff — can screen each other.

If you make this commitment to become a lay volunteer advocate in our court system, you will be reaching out to children adrift in the world without permanent roots. Don't expect pay — there will be no stipends. But there will be deep satisfaction and rich rewards for you in helping children experience the joys of growing up in a secure and loving family.

## Most-often asked Questions... and Answers

### What will I do as a CASA?

When a child's future is being determined by the court and you are appointed as the CASA, you are sworn to represent the child's best interests. You will meet with the child, natural parents, foster parents, social workers, school teachers or counselors, a court service officer, and any others who have pertinent information.

You'll present to Juvenile Court a written report of findings and recommendations on how best to help the child. Perhaps you'll appear at court hearings and then remain involved so the child and family receive necessary services.

### What type of child will I represent?

A child of any age, from newborn to 18 years; of any race, religion, and socioeconomic background. Only one characteristic is certain — the child will need help.

### How much time will this take?

Generally, a CASA has responsibility for only one child or sibling group at a time. No specified number of hours per day or week is asked — your commitment will depend upon the complexity of the family situation. Time given will be at *your* convenience, except when a court appearance necessitates a specified time.

### How will I be matched with a child?

We look at personality characteristics, foreign language and other skills, ethnic background, and geographic location. Then you'll be briefed on the situation and can accept or refuse the case. Once accepted, the CASA is expected to remain involved as long as necessary.

### What kind of training will I get?

You'll participate in a formal training program, which includes observation of Juvenile Court proceedings, and then through ongoing consultation and workshops. Program staff will always be available to provide guidance or advice, or simply act as a sounding board. Also, program legal counsel will be available to provide advice or assistance, or to appear in court with you if needed.

### Who can be a CASA?

Anyone can submit an application; no special background is required. Primary qualifications are concern for children, desire to help, maturity to understand and deal with complex emotional situations, ability to remain objective, dedication to the premise that all children have certain basic rights, and willingness to cooperate with others in the system. Our current

volunteers range from a 20-year-old female student to a 61-year-old male retiree. They are homemakers, clerks, typists, former teachers, etc.

### How important is the CASA?

Very important. Therefore, your responsibilities are to be taken very seriously, and not accepted lightly. You'll have a direct and significant impact on the child and family, and your involvement will help shape the child's future.

## How the CASA project improved one child's life...

Nine-year-old Johnny was assigned a CASA volunteer. He had been in foster care for two years; his mother was in treatment for a mental disorder and his alcoholic father could not take care of him. Johnny's social worker requested a CASA and Mary was assigned. Mary, a local school teacher, was drawn to the CASA project because during her childhood she was in foster care and experienced the uncertainty of several homes. As Johnny's special advocate, she investigated the circumstances of his case, attended meetings on his behalf, evaluated the alternatives, and recommended termination of parental rights. Mary was subpoenaed by the court because she had been given pertinent information that no one else had. The judge ordered termination of parental rights. This cleared the way for his foster parents to make Johnny a permanent part of their family. (When children are returned home or adopted, they continue to be monitored by their CASAs for a period of time.)

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Atch III



**What the court and child experts are saying...**

"I encourage Roots & Wings' efforts to find proper placement of children who have been abandoned or mistreated."

Robert T. Stephan  
Kansas Attorney General

"Roots & Wings is greatly needed here in Sedgwick County. The program helps move kids through the foster-care system and back home where they can form family bonds."

Robert Morrison  
Juvenile Court  
District Judge

"For a child's development, a firm base built on love, caring, and respect is needed. From that base, the child can learn to explore, create, and grow. I'm pleased there's an organization such as Roots & Wings, which is devoted to that concept."

Deborah Donaldson Bereman,  
M.A.  
Project Director, Juvenile Clinic  
Sedgwick County Department  
of Mental Health

**What CASAs say about their volunteering...**

"Kids have lots of rights nobody will assert. It feels great that I can help them, so they won't go on being shuffled from one temporary home to another."

"There are *so many* kids out there that need help. And this is such a common-sense approach!"

"My position as a CASA is unique, because nobody pays me. As a volunteer, I'm neutral. That's why families often find me easier to talk to than professionals."

"Whether the child goes back home or rights are terminated, our CASA program helps the case move along faster...helps end the upheaval in a child's life."

"Our training is excellent. I've learned much about family problems, the juvenile code, and the court system. I've gained new skills in interviewing, and in gathering, evaluating, and presenting information."

"I hope most of you people reading this will not turn away saying, 'But I couldn't do that!' You probably could...because I could!"

**ROOTS & WINGS**



For more information, or to set up  
a screening interview,  
call Roots & Wings,

**316-264-3336**

Produced courtesy of  
Sullivan Higdon & Sink, Inc.

Roots & Wings  
Juvenile Court Facilities  
1015 S. Minnesota  
Wichita, KS 67211

**Speak up  
for kids'  
rights!**

**Become a  
Court Appointed Special Advocate  
for an abused or neglected child.  
A unique volunteer opportunity!**

The CASA project in  
Wichita, Kansas,  
is administered by  
Roots & Wings, Inc.



ANYTHING'S POSSIBLE

*When you're a kid in a loving family*



*Atch. V. B*

1984 ANNUAL REPORT OF ROOTS & WINGS, INC.



## OUR MISSION:

*advocacy for children in foster care*

Among the many burdens we share as members of a community is the responsibility to protect children from parents who abuse or neglect them.

Although most people would agree that something must be done to protect the innocent and the helpless, there is little agreement as to *when* circumstances warrant intervention, by *whom*, and in *what* manner. The problem is so difficult, so hotly controversial, that only legislation effective in the most flagrant cases has survived the legislative process to become law.

Roots & Wings focuses on this problem of foster care. Our mission is to raise the necessary funds to continue to operate a professionally administered program for quickly moving children through the court system and into secure, supportive, permanent homes. So they can put down family *roots* to nourish them all through life. And give them *wings* to soar to their potential!

Roots & Wings, started in 1980, is working. With the continued support of Kansans, we can keep proving to kids that *anything's possible!*

## THE NUMBERS:

*Hundreds...thousands, all awaiting homes*

As of August 1984, there were 708 children in Sedgwick County classified by the court as "In Need of Care" by reason of abuse or neglect. These children are handled by social and rehabilitation services (SRS). They live in various types of placements: 239 children are with relatives; 75 have been returned to their natural parents but remain in custody; and 394 are in foster care. There are 3,803 children in Kansas who must wait while the wheels of justice slowly turn. In addition, there are 282 children in Sedgwick County (1,370 in Kansas) who are classified as "Juvenile Offenders." Many of them have been before the court in the past as "In Need of Care."





## BEYOND NUMBERS:

*one child's experience in foster care*

Frank has been in 22 different placements since 1978. When he was ten years old, his mother voluntarily placed him in a care facility because her new husband didn't want him around. The man was a violent person who used physical intimidation to enforce his will. Frank's mother rarely visits her son.

Nothing is permanent in Frank's life except the shuffle from one foster home or institution to another. He has had at least a half-dozen social workers. His mother promises each new caseworker that she is about to "get it together," but when Frank asks her to visit him she can never find the time.

Six painful years later, Frank has no sense of belonging; he is confused over *who* he is, and is anxious about the future. He can focus only on the immediate. Not surprisingly, his psychological evaluation shows him as immature and impulsive.

Unfortunately, Frank represents the rule, not the exception. Statistics show that if a child remains in the system more than one year there is a very high probability of living out the remaining childhood years being shuffled from one temporary home to another.

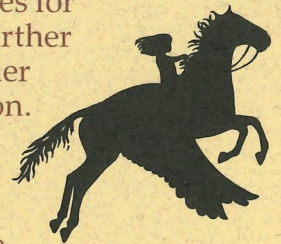
## THE PROBLEM:

*heavy caseloads slow the process*

A major weakness in our state's present system is the enormous caseloads of the professionals. A social worker may have 20 to 30 cases involving as many as 100 children, allowing hardly enough time to keep the casework organized, let alone investigate particular circumstances. Yet it's often the lack of reliable information that keeps the judge from knowing which alternative is best for a child.

Another weakness is the lack of rehabilitative support services for the family in crisis, which further slows the process, and further complicates a judge's decision. Judges are reluctant to permanently remove a child from natural parents if there's any chance to reunite them. So the legal merry-go-round keeps turning while the child waits, not knowing what comes next.

In our two-year Roots & Wings Demonstration Project we sought to establish a base of information by comparing the results of present caseloads with smaller loads of five to ten per worker. There was little doubt that the impact would be positive for the children, but we wanted to demonstrate that having more caseworkers with smaller workloads would be more cost-effective in the long run — by drastically reducing time and money spent on foster care.



*Attach. III*



We now have evidence that this is the wise, more humane, course to follow. Information from our demonstration project will make it easier for legislators to take the short-term political risk for a long-term practical benefit.

Studies of prison populations show that one of the overwhelming common denominators is a history of abuse as a child and a sense of alienation attributable to a poor self-image from growing up unwanted.



Common sense demands that the state must, in society's interest as well as the children's, break the cycle by getting them out of foster care and into permanent, nurturing homes.

Roots & Wings has no interest in placing blame for past inadequacies. We have enjoyed cooperation and guidance from the court, from concerned caseworkers, state legislators, and representatives of private agencies — all caring people who have struggled with a system that has failed to provide effective solutions. From this collective experience has evolved a three-part project we ask the public to contribute to in various ways.

## PART I:

*court appointed special advocate project*

Four years ago, when we were searching for ways to translate the latent power of community volunteerism into an effective force for children, we came across the CASA program. The concept, still in its infancy, was operating in only a handful of cities. The more we learned about the approach, the more it seemed to suit our community's needs.

Judge Robert Morrison of the Juvenile Department of the District Court was an early supporter of our efforts to bring CASA to Wichita. Often, in the past, he had been frustrated by lack of sufficient information in cases. He would then be forced to continue the cases instead of being able to place the children in permanent homes.

CASAs are unique in their relationship with foster children: they work *directly through* the court system, and help to decide what is in the child's best interest. They accomplish this by independently investigating the circumstances of each case, evaluating the alternatives, and submitting written reports of their findings and recommendations to the court.

Roots & Wings recruits volunteers for the CASA project through speaking engagements, public service announcements on radio and television, newspaper articles, and by personal contacts. Volunteers are carefully screened by the CASA staff, receive training from professionals, and are then placed with experienced CASAs to "learn the ropes." When ready, a CASA



## PART II:

*legislative action project*

receives a court appointment and is assigned a case. Ongoing training is offered monthly, and a CASA is expected to participate in at least six sessions a year.

This is no small commitment. But, because they care so much, CASAs willingly give their time for training and for work on specific cases.

A CASA may be requested by a court service officer, social worker, attorney, parent, or anyone involved with a case. The CASA enters with fresh ideas and has more time to investigate than do caseworkers with 25 to 50 cases involving perhaps 80 to 100 children. A CASA with only one or two cases can gather more solid information on which judgments can be based.

To date, 170 children have been assisted by our CASA project, now well into the third year of operation. Currently we have 76 active CASAs, and we plan to train 60 more this year. Our goal is to have a volunteer for each child in foster care.

It costs Roots & Wings approximately \$480 for each case handled.

CASA projects currently are being established all across the nation, but ours is the only privately funded program. Our project has stimulated the interest of many, including Chief Justice Alfred Schroeder of the Kansas Supreme Court who is studying the possibility of extending CASA statewide.

The CASA initiative is gaining nationwide attention as a successful example of organized volunteerism to improve the child welfare system.



Roots & Wings has worked successfully for specific changes in the juvenile code. These better serve the interests of the child, the family, and the taxpayer by providing proper incentives for effective and cost-efficient permanency planning. During the 1982 legislative session, a new juvenile code was adopted. Roots & Wings volunteers lobbied for a clear definition of parental unfitness and for the introduction of permanency planning as a requirement for *all* children in foster care.

Our next legislative effort will focus on changing the allocation of resources already appropriated to SRS. Using Roots & Wings Demonstration Project results, we are making legislators aware that reducing caseloads also reduces the time it takes to get families the help they need.



## PART III:

*adoption photo-list*

We have received funding through Wichita Junior League for nine albums containing pictures and information on waiting children from Kansas, Nebraska, Iowa, and Missouri who are registered through social work agencies.

The photo-list brings attention to each child's special qualities. It expands the chances of finding the best adoptive families for these hard-to-place children.

The adoption photo-list committee circulates the albums, on a monthly rotation, to participating businesses, churches, hospitals, and waiting rooms where people who might be encouraged to consider adoption will be gathering. Updates are mailed on a regular basis by Kansas Children's Service League.

*thank you for your gifts of love and caring*

Your time, talents, services, goods, and money are appreciated. Without your gifts, we could not offer a professionally administered program for moving children through the court system and into secure permanent homes.

Thanks. Your continued support shows our kids that *anything's possible!*

## DIRECTORS

Mary Ann Nielsen, president  
 Judy Frick, vice-president  
 Vivian Felix, secretary  
 Debbie Britting, treasurer  
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 Nancy Conover  
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 Janet Mallot  
 Rose Mary Mohr  
 Andi Potts  
 Jayne Smith  
 Luann Weigand  
 Earlene Worley



*CASA staff*

Jeri Swinton, director  
 Barbara Seeber, adm. assistant

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 1015 S. Minnesota  
 Wichita, KS 67211  
 316-264-3336





# FINANCIAL INFORMATION

*statements of support, revenue and expenses and changes in fund balances*

Years Ended May 31, 1984 and 1983

	1984	1983
Public support and revenue - current funds		
Public support		
Contributions	\$144,494	\$117,113
Special events (net of direct costs of \$1,247 in 1984)	1,003	—
Total public support	145,497	117,113
Revenue		
Investment income	543	6,411
Realized gain on investment transactions	372	887
Total revenue	915	7,298
Total public support and revenue	146,412	124,411
Expenses - current funds		
Program services		
Model project	61,298	192,128
CASA	59,168	42,410
Supporting services		
General operating expenses	10,611	3,345
Total expenses	131,077	237,883
Excess (deficiency) of public support and revenue over expenses	15,335	(113,472)
Fund balance, beginning	(3,074)	110,398
Fund balance, ending	\$ 12,261	\$ (3,074)

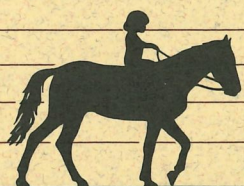
For further financial details, contact the Roots & Wings office.  
We have a slide presentation and speakers bureau available for interested groups.

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*Attach. III*



# ROOTS & WINGS





## COURT APPOINTED SPECIAL ADVOCATE

### JOB DESCRIPTION

#### REQUIREMENTS

1. Must be at least 21 years old.
2. Must complete application providing 3 references other than relatives.
3. Must participate in pre-training interview.
4. Must participate in at least 75% of training.
5. Application, references, and interview must indicate an ability to be objective, to function professionally, and a concern for the welfare of our children as the primary motivation.
6. Must observe in Court for a minimum of two hours.
7. Must respect confidentiality of all parties.
8. Must be committed to serving as a CASA for at least one year.
9. Must not discriminate or display attitudes of a discriminatory nature.

#### DUTIES

1. Advocate for best interests of the child(ren) at all times.
2. Sign oath of appointment as soon as possible after accepting case.
3. Read social and legal files pertaining to case.
4. Interview court services officer, placement and protective services workers, parents, foster parents, child and other interested parties.
5. Explain role to all parties unfamiliar with the CASA project.
6. Be aware if court's instructions are being followed.
7. Maintain regular contact with the child.
8. Consult with staff if problems occur.
9. Report any concerns that you have not been able to resolve with the appropriate parties to the Guardian Ad Litem.
10. Maintain record of all contacts and interviews.
11. Submit Report to Court at least 3 days in advance of hearing.
12. Be available to testify in court and attend staffings.
13. Encourage permanency planning.
14. Follow-up on case until a permanent solution has been reached (i.e. adoption or return to a rehabilitated home or long-term foster care in some cases).
15. Attend in-service trainings.
16. Return monthly time sheets to CASA office.

#### HOURS

At the CASA's discretion, with the exception of Court and SRS staffings.

#### RESPONSIBLE TO:

CASA director and ultimately to the judge.

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

3-11-85

YOUTH SERVICES

Testimony in Support of S.B. 265

Mr. Chairman, Members of the Committee, I am Jan Waide, Director of Children in Need of Care Services, Youth Services. I am appearing today in support of Senate Bill 265 which defines court-appointed special advocates into the Code for Care of Children and sets forth some safeguards in regard to them.

Throughout the United States courts and advocacy groups have been developing CASA groups. CASA is the acronym for court appointed special advocates. The primary focus of these groups has been to assure that children do not become lost or log jammed in the legal and foster care systems. The ultimate goal in each case is to achieve a permanent placement for these children which is appropriate to their individual needs.

In July, 1984 a Task Force was appointed by the Chief Justice of the Supreme Court to investigate the issue of permanency planning for children. This task force has involved SRS, the entire court system, volunteers familiar with CASA's, private foster care providers and legislators. This legislation resulted from the work of that Task Force of which I am a member.

CASA volunteers serve as advocates for children who come to the attention of the courts. They would advocate for their assigned child's rights with the social service system and the judicial system.

As one rural judge just wrote to us in requesting a CASA project in his district, "It appears it is a concept whose time has come." In addition, it appears it is a concept that is in the best interest of children in Kansas.

3/11/85  
Attach. IV

3-11-85

Kansas  
CASA  
Program

3/11/85  
Attch. V

Courts, in compliance with Public Law 96-272 and state statute, appoint guardians ad litem in dependency, abuse or neglect cases. Historically, attorneys have served in this role. However, many courts utilize a CASA volunteer in addition to an attorney, insuring that both the legal and social aspects of a child's welfare are fully represented. A Court Appointed Special Advocate (CASA) is an officer of the court who serves as an advocate for an allegedly abused or neglected child. In the typical program, a CASA, in working with an attorney, assumes most of the investigation, monitoring, or coordinating service delivery.

The CASA:

- Investigates the child's situation to include contact with the child, natural parents, foster parents or other caretaker, social worker, school and any other party having relevant information;
- Reports to the Court outlining findings and recommendations;
- Appears at all court proceedings concerning the youth;
- Closely monitors the situation as long as the child is under court jurisdiction;

*Attach. V*

- Confers with and keeps the attorney guardian ad litem apprised as to the child's status and any changes or assistance that may be needed, requested or recommended;
- Insures that the best interests of the child are served.

The CASA is an impartial observer, one who conducts the kind of investigation a judge would conduct if the judge had the time to do so. When testifying, the CASA is acting as a friend of the court and in many cases may be qualified as an expert witness.

This means the CASA may testify more freely with personal opinions, responding to facts and hypotheses presented in court. Whether or not the CASA is deemed to be qualified as an expert, the CASA will be expected to testify fully as to the facts developed by the investigation and the recommendations which are an outgrowth of it.

The attorney provides consultation and direction to the CASA who has been co-appointed on a specific case. The lawyer also prepares all legal documents, subpoenas witnesses, and presents the case to the court.

*Attch. V*



The attorney guardian ad litem:

- Provides legal advice and counsel to the CASA;
- Appears at probable cause hearings, trials and contested review hearings;
- Discusses the case in detail with the CASA prior to contested court proceedings;
- If necessary, files motions, subpoenas witnesses and documents, presents relevant evidence and examines witnesses;
- Submits written reports to the court as directed by the judge hearing the case, or, where appropriate, to insure that the best interests of the child are served.

Both the attorney and the CASA are appointed by the court. Each child's representative is expected to remain actively involved until the case is dismissed by the court, to provide the necessary continuity.

By utilizing both attorneys and CASA's, the child gets the best of both worlds. This procedure retains the traditional legal safeguards to protect the child's rights, and the in-

*Attach. V*

depth, independent assessment of the child by the CASA. Attorneys serving as guardians ad litem generally do not have the time or training to adequately interview the child, parents, school and social workers, medical and counseling professionals, and other persons to comprehensively evaluate the child's best interests. Community involvement of CASA's provides the type of in-depth assessment necessary to recommend the child's best interests to the court. In addition, public awareness of the child welfare/juvenile justice system is increased.

In the Kansas CASA program, as in the programs in other states, the primary duty of each CASA will be to advocate the best interests of the child and assist the child in obtaining a permanent, safe and homelike placement. Qualifications and specific duties and responsibilities of the CASA will be prescribed by rule of the Supreme Court and will probably be similar to the CASA duties described above.

Initially, there will be four pilot CASA programs in the state, each coordinated by a Volunteer Coordinator who will be an employee of the District Court. The programs will be under the overall supervision of a Permanency Planning Administrator in the Office of Judicial Administration. The permanency planning administrator will supervise the implementation of the state CASA programs and be responsible for establishing training programs for staff, volunteers and attorney guardian ad

*Atch. V*

litems. Volunteer coordinators will implement programs to recruit, screen, train, and monitor CASA volunteers and provide the court with a roster of CASA's available. The Volunteer Coordinator will work closely with the court in establishing an ongoing CASA program. CASA programs will be located in those judicial districts which historically have the largest number of child in need of care cases and in which local private programs do not already exist.

*Attach. V*