

Approved _____

Date

1/31/90

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at _____
Chairperson

10:00 a.m./p.m. on January 25, 1990 in room 526 of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Legislative Research
Norman Furse, Revisors Office
Sandra Nash, Committee Secretary

Conferees appearing before the committee:

The Chairman called the Committee to order, calling on David Traster, Assistant Secretary and General Counsel to the Kansas Department of Health and Environment.

Mr. Traster submitted two bills KDHE has they would like to have introduced related to AIDS. The first is an AIDS reporting bill (Attachment 1). More specific, it is HIV Reporting, it will make HIV a reportable condition. It will require not only physicians, but labs, to report to the Secretary of KDHE, on issues when someone has tested positive on HIV infection. Also strengthens the anti-discrimination language that currently exists in that.

Mr. Traster said the second piece of legislation is a change, minor change, in the laboratory fees that was passed last session. The term seriological was used when KDHE was granted authority to regulate labs doing HIV testing. There are now some laboratories in the state getting to do some urine testing for AIDS and we think that those should fall within the authority of KDHE. The second bill deletes the word "seriological" in a number of places to give comprehensive authority to regulate HIV testing across the state. (Attachment 2)

Senator Hayden made a motion that the two bills would be introduced as Committee bills. Senator Strick seconded the motion. The motion passed.

The Chairman called Betty Londeen, requesting a committee bill on the Senior Care Act.

Mrs. Londeen, Area Agency on Aging, Director for Kansas City, presented a request to the Committee to introduce a Committee bill as the Senior Care Act, similar to the 1989 Senate Bill 60 with one revision. Delete "...on a dollar for dollar basis." The three model projects which are in operation now in the State of Kansas feel that they will have a major problem meeting a one-on-one match for this program. Other area agencies in the State of Kansas did not submit applications for the funding this year because they could not afford the one-on-three match. (Attachment 3)

Mrs. Londeen introduced David Geist, Chairman of the Kansas Association of Agencies on Aging to give the comments from that organization.

Mr. Geist stated his organization has 11 areas which encompass the entire state. The primary purpose is to plan, fund and to administer services to well over 400,000 older Kansans throughout the state. The continued funding of the Senior Care Act is a positive step in containing long-term care costs. The three pilot projects are demonstrating considerable success in improving the feasibility of a consumer cost-share system. In reviewing the match requirements

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526, Statehouse, at 10:00 a.m./~~p.m.~~ on January 25, 1990

for the Senior Care Act, The K For A has went on record at recent meetings in striking the language "on a dollar for dollar match" from the current bill and instead allow the Kansas Department on Aging to set the match which as already be prescribed in the bill.

Senator Hayden made a motion that the bill would be introduced as a Committee bill. Senator Strick seconded the motion. The motion carried.

The Chairman called William Woods, Kansas City. Mr. Woods submitted problems which he wanted to point out. The Chairman stated this part of the Committee meeting was for requests to introduce a bill. Staff Furse said he would work with Mr. Woods in preparing a bill for request to the Committee. (Attachment 4)

The Chairman call Elisa Marie Cosgrove, Merriam, who expressed concerns as a parent whose child has been removed from the home, as a continuation of hearings held January 24, 1990.

Mrs. Cosgrove present the package she gave to the members, reviewing the contents of the package. She is concerned, she stated, because of the way S.R.S. doesn't allow the children that have been removed from the home to see any of the family, grandparents, etc., and the affects that this is having on the children and the change in the children as they grow older. (Attachment 5)

The Chairman asked for questions.

Senator Strick asked what reason S.R.S. gave for not returning her children when you were found innocent of any charges.

Mrs. Cosgrove said that S.R.S. that in their opinion I got off on a technically. In their opinion, my child was still abused. Even tho I went through two full weeks of proving my innocense.

Senator Strick asked they found out Mr. Owens purgered himself in your case, what did they do, or were you able to prove he purgered himself?

Mrs. Cosgrove replied we have the documents. The Governor and the Attorney General care less. My attorney has been in close contact with both of their offices. Nobody cares. This doesn't matter. In their opinion, they have the power to do whatever they want to do. The Governor doesn't have the time to oversee what's going on with S.R.S. There's simply not enough hours in the day to see about and figure out what went on. How are victimized. How constitutional rights are thrown out the window. How State Statutes aren't even acknowledged.

Senator Strick said that in the last two days he has heard stories about abuse to parents which he never knew existed. He feels that S.R.S. needs to be investigated.

Senator Salisbury said last year the Senate Ways and Means Committee did recommend and the Senate and the full Legislature did approve, appropriation, or at least authorization to S.R.S. for \$225,000 to contract for a study of Children Services delivered under S.R.S. That contract has not been let because of revenue short-falls. Perhaps the Chairman might think it would be appropriate if this committee would introduce legislation pertaining to a study of the Children's Services under S.R.S., specifically children in foster care.

Senator Strick said he understood that there are 8,000 children in foster care, children that have been taken away from their families.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526, Statehouse, at 10:00 a.m./~~p.m.~~ on January 25, 1990

These children should be aunts, uncles, or grandparents. Not some place that's a total stranger. A total stranger does not have the love and the support for an individual. You've got to have that love to help these kids out. And what I see of these foster parents their nobody. What I found out yesterday the only thing you need to be a foster parent was to be 18 years old and have a driver's license. Those are poor qualifications. That has got to be changed.

Senator Kanan asked where Mrs. Cosgrove's children were now.

Mrs. Cosgrove replied they are in a foster home in Stanley, Kansas. We are not allowed any type of visitation whatsoever. They're are not allowed anything from us or any of the family. My grandmother passed away two months ago. She had wanted to see the grandchildren for the last six years of her life, but she didn't get to. The Morenos, Sarah White and the others are standing out in front begging for the Committee's help. It is so hard to stand before the Committee, but it is so important that public awareness be made on this position.

Senator Kanan suggest Mrs. Cosgrove contact the Morenos and their attorney. It was his opinion that the people in Wyandotte County should go to the attorney general, because all of your civil rights have been violated.

Mrs. Cosgrove pointed out they have been to the Attorney General and he doesn't want to acknowledge it. He has personally called my attorney.

Senator Kanan stated the Committee should have some type of Sub-Committee hearing or something. Let these people come in and testify and the S.R.S. people come in an testify under oath.

Mrs. Cosgrove said that Tim Owens of S.R.S. lied. He said he had never seen me and didn't know me. The problem is that there is no accountability whatsoever in juvenile court or S.R.S. And there is no measure of how to properly investigate these very fragile cases. The psychologists and psychiatrists don't know what to think and we have these social workers playing God with our families.

Senator Kanan said the Committee wasn't going to forget this.

The Chairman said that suggestions from the Committee members will be taken. We have one day and half of testimony and to go to, possibility, to get S.R.S. to respond to some of the allegations.

The Chairman said the Committee would go over some of the bills from the carry-over session. The first bill was S.B. 97. This did go through the interim study and through Ways and Means forever.

S.B. 184, the Nursing Pool Bill of last year. The interim study recommended that nothing could be done.

S.B. 318 was also included. The Chairman asked for the wishes of the Committee on these three bills. Senator Strick made the motion to report these bills unfavorable. Senator Hayden seconded the motion. The motion carried.

The Chairman called for the Committee to look at S.B. 433, a social work bill. There was amendments offered to the bill.

Senator Salisbury asked if Section 8 would result in further delays. She doesn't understand why.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526, Statehouse, at 10:00 a.m./~~p.m.~~ on January 25, 1990

Chairman asked if she was referring to Section 8, Page 2, Line 28. Senator Salisbury replied yes.

Staff Wolff said Mrs. Gabel commented that by removing the certification by the Executive Director when the applicants have met all the requirements, might in fact the delay the presentation of applicants who would otherwise be eligible to a receive a temporary permit until the Board met the next time. Mrs. Correll asked the questions as to whether or not the Board could resolve that problem by having telephone hearings or some kind of telephone conversation, where, in fact, the Board did make the recommendation that the people receive a temporary permit. The Board's position was that by not allowing the Executive Director to do it might be extending the time the people wait for the temporary permit rather that expiditing it.

Senator Salisbury asked if there was any restriction on the Board handling this in the manner of a conference call. Isn't this a general practice of other Licensing Boards.

The Chairman answered it is a general practice. One example is the Board of Healing Arts. Their Board is handled in that fashion.

Senator Salisbury stated she didn't see any reason to change the bill from evidence presented in the hearing. Senator Salisbury made the motion to report S.B. 433 favorable out of this Committee. Senator Langsbury seconded the motion. The motion passed.

The Chairman asked if anyone wanted to carry the bill out of the Committee. Senator Anderson said he would.

The Committee adjourned at 11:00a.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 1/25/90

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

M Kennedy - Topeka	Budget
Theresa Shuehly Topeka	KDHE
Steve McDaniel	KDHE
Gigi Felix, LMSW	K-NASW
William C. Woods Jr Esq.	Aviast Support Group Against SRS.
Jeanine Harmon - Topeka	Behavioral Sciences Regulatory Board
Mark Intermill	KCOA
Cathy Rooney	KDHE
Kesa Fogar	State of Salisbury
Yakui Jones	Kansans for Life
Aun Rellin	etc
Betty Johnson	Central Plains Area Agency on Aging
Hanna J. Kidd	Jayhawk Area Agency on Aging
Dorothy Dvorachek	Intern for Doug Walker
BEATRICE L SHISLER OTTAWA	Mid America Council on Aging
Julie Garet Walter - Manhattan	North Central - Flint Hills AAA
Lisa Marie Cosgrove - Merriam	VOCAL
Annic Davis White	JO CO AAA
Arthur Allin	WY/LV AAA

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SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE _____

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Dave Gerst
PAT HEAD
Marvella Markley
Ruthella McBride
Betty Lonsden
Anna Mae Shaffer
Elliene Davis
Kelly Waldo
Julie Hein

SWK Area Agency on Aging ^{Dodge City}
SWK AREA Agency on Aging
SEK Area Agency on Aging
SEK Area Agency on Aging
SEK Area Agency on Aging
Northwest Kansas Area Agency on Aging
NW, Ks Area Agency on Aging
KCA
KAMFT

Bureau: Disease Control

Date: November 20, 1989

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

BILL BRIEF

Title: An ACT relating to AIDS and HIV reporting, amending K.S.A. 1988 Supp. 65-6001 and K.S.A. 1988 Supp. 65-6002.

I. Purpose/Reason for Proposed Legislation

Currently, Kansas law (K.S.A. 65-6002) requires reporting (by physicians) of persons suffering from or who have died from AIDS. This proposed bill expands the reporting to include HIV infection as a reportable condition. The condition is to be reported by physicians AND laboratories. The planned notification system will not use the patient's name. (Anonymous identifiers will be used.)

Persons who are infected with HIV but remain well comprise a major portion of the AIDS epidemic. Such infected persons are capable of transmitting the infection to their sexual or needlesharing contacts, and to their unborn children. The number of infected persons is unknown. Current knowledge indicates that most HIV infected persons will eventually develop AIDS. Reporting of positive reactions to tests for HIV infection will refine existing estimates of infection rates by age, location, sex and racial/ethnic group, thus enabling targeting of educational and motivational efforts to diminish further spread of HIV infection. Future needs for preventive drug therapy will also be further defined.

In addition, existing legislation prohibits discrimination against persons with AIDS in medical care, housing and etc., but does not speak of discrimination in employment. The proposed legislation broadens current statute to prohibit discrimination in employment practices for persons with AIDS or those testing HIV positive. Along the same line the confidentiality portion of the statute is expanded to include those testing positive for HIV.

Immunity for physicians in current statute is extended to those physicians and laboratories reporting HIV positive cases and laboratories are given immunity for reporting cases of AIDS.

SPH+W
Attachment#
1/25/90

II. Bill Summary

Proposed legislation expands current statute to:

Establish HIV infection as a reportable condition requiring both physicians and laboratories to report.

Extends antidiscriminatory provisions to those reported HIV positive.

Adds employment to existing areas in which discrimination is prohibited.

Expands immunity to include physicians reporting HIV positives as well as laboratories reporting HIV positives and AIDS cases.

Defines more clearly "HIV" and "positive reaction to an AIDS test."

Defines laboratory director for purposes of this statute.

Defines racial/ethnic groups for purposes of this statute.

III. Legislative History

The Legislature has previously addressed reporting of HIV positive using names. The bill was not passed. Other issues in the bill have not been previously addressed.

IV. Impact on Other Agencies or KDHE Bureaus

This issue would have impact on KDHE laboratories, physicians and laboratories doing HIV testing.

V. Fiscal Impact

Fiscal impact would be minimal and manageable within the existing budget.

PROPOSED BILL NO. _____

By

AN ACT concerning reporting of AIDS and HIV infection as defined therein; amending K.S.A. 1989 Supp. 65-6001 and 65-6002 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1989 Supp. 65-6001 is hereby amended to read as follows: 65-6001. As used in K.S.A. ~~1988~~ 1989 Supp. 65-6001 to 65-6007, inclusive, and amendments thereto, unless the context clearly requires otherwise:

(a) "AIDS" means the disease acquired immune deficiency syndrome.

(b) "HIV" means the human immunodeficiency virus ~~or any other identified causative agent of AIDS.~~

(c) "Positive reaction to an AIDS test" means a positive screening test, approved by the secretary, to detect antibodies to the probable causative agent for AIDS indicating infection by the HIV, with a positive confirmatory specific test as specified by the secretary comprising confirmed analytical results which are evidence of HIV infection.

(d) "Secretary" means the secretary of health and environment.

(e) "Physician" means any person licensed to practice medicine and surgery.

(f) "Laboratory director" means the person responsible for the professional, administrative, organizational and educational duties of a laboratory.

(g) "HIV infection" means the presence of HIV in the body.

(h) "Racial/ethnic group" shall be designated as either white, black, Hispanic, Asian/Pacific islander, or American Indian/Alaskan Native.

Sec. 2. K.S.A. 1989 Supp. 65-6002 is hereby amended to read as follows: 65-6002. (a) Whenever any physician has information

indicating that a person is suffering from or has died from AIDS, such knowledge or information shall be reported immediately to the secretary, together with the name and address of the person who has AIDS, or the name and former address of the deceased individual who had such disease. Any laboratory director shall report all positive reactions to an AIDS/HIV test to the secretary. Any physician who is in receipt of a report indicating a positive reaction to a test for HIV infection resulting from the examination of any specimen provided to a laboratory by such physician shall report all such positive reactions to the secretary. Reports by physicians and laboratory directors shall be provided within one week of receipt or interpretation of the positive test results, and shall designate the type of test or tests performed, the date of performance of the test or tests, the results of the test or tests, the sex, date of birth, county of residence, and racial/ethnic group of the person tested. For the purpose of reporting HIV infection only, the name of the patient shall not be reported. The provisions of this subsection shall not apply to a physician who, while performing services, other than the direct rendition of medical services, for an insurance company, health maintenance organization or nonprofit medical and hospital service corporation, becomes aware that a person is suffering from or has died from AIDS.

(b) Any physician or laboratory director who reports the information required to be reported under subsection (a) in good faith and without malice to the secretary shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed in an action resulting from such report. Any such physician or laboratory director shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

(c) Information required to be reported under subsection (a) and information obtained through laboratory tests conducted by the department of health and environment relating to HIV or AIDS and persons suffering therefrom or infected therewith shall be confidential and shall not be disclosed or made public, upon

subpoena or otherwise, beyond the disclosure necessary under subsection (a) or under subsection (a) of K.S.A. ~~1988~~ 1989 Supp. 65-6003 and amendments thereto or the usual reporting of laboratory test results to persons specifically designated by the secretary as authorized to obtain such information, except such information may be disclosed:

(1) If no person can be identified in the information to be disclosed and the disclosure is for statistical purposes;

(2) if all persons who are identifiable in the information to be disclosed consent in writing to its disclosure;

(3) if the disclosure is necessary, and only to the extent necessary, as specified by rules and regulations of the secretary, to protect the public health;

(4) if a medical emergency exists and the disclosure is to medical personnel qualified to treat AIDS or HIV infection, except that any information disclosed pursuant to this paragraph shall be disclosed only to the extent necessary to protect the health or life of a named party; or

(5) if the information to be disclosed is required in a court proceeding involving a minor and the information is disclosed in camera.

(d) Information regarding cases of AIDS reported in accordance with this section shall be used only as authorized under this act. Such information shall not be used in any form or manner which would lead to the discrimination against any individual or group with regard to employment, to provision of medical care or acceptance into any facilities or institutions for medical care, housing, education, transportation, or for the provision of any other goods or services.

Sec. 3. K.S.A. 1989 Supp. 65-6001 and 65-6002 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Division: Kansas Health and Environmental Laboratory

Date: November 20, 1989

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

BILL BRIEF

Title: Laboratories Performing Human Immunodeficiency Virus Testing

I. Purpose/Reason for Proposed Legislation

The current statute is too narrow in scope to approve all laboratories performing human immunodeficiency virus testing. Current technology allows for testing other than serological testing. The intent of approving laboratories is to assure that reports for human immunodeficiency virus tests are accurate and reliable.

II. Bill Summary

Under the current statute, the Department of Health and Environment may only approve laboratories performing serological tests for human immunodeficiency virus. By deleting the term "serological" from the statute, all tests for human immunodeficiency virus would require approval. There are currently some laboratories performing human immunodeficiency virus testing on urine; these are not serological tests and therefore not subject to approval.

III. Legislative History

The current statute was amended in 1988 to include the serological tests for human immunodeficiency virus and tests for controlled substance. The suggested amendment has not been previously proposed.

IV. Impact on Other Agencies or KDHE Bureaus

The Bureau of Epidemiology may be interested in this amendment if reporting of human immunodeficiency virus is considered. No discussions have been held with the bureau.

SPH + W
Attachment #2
1/25/90

V. Fiscal Impact

The broadening of the statute should not have a fiscal impact since the laboratories currently performing urinalysis for human immunodeficiency virus are also performing serological tests and/or other laboratory tests currently requiring approval.

Copy from the Revenue
Office 1/10/11

9 RS 1765

PROPOSED BILL NO. _____

By

AN ACT relating to certain laboratory testing; approval and regulation of laboratories; amending K.S.A. 1989 Supp. 65-1,107, 65-1,108 and 65-1,108a and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1989 Supp. 65-1,107 is hereby amended to read as follows: 65-1,107. The secretary of health and environment is hereby authorized and empowered to promulgate rules and regulations establishing:

(a) The procedures and qualifications for approving laboratories performing prenatal ~~serological~~ tests for syphilis, ~~serological~~ tests for human immunodeficiency virus and tests for controlled substances included in schedule I or II of the uniform controlled substances act;

(b) the procedures, qualifications of personnel and standards of performance in the testing of human breath for law enforcement purposes, including procedures for the periodic inspection of apparatus, equipment and devices, other than preliminary screening devices, approved by the secretary of health and environment for the testing of human breath for law enforcement purposes;

(c) the requirements for the training, certification and periodic testing of persons who operate apparatus, equipment or devices, other than preliminary screening devices, for the testing of human breath for law enforcement purposes;

(d) criteria for preliminary screening devices for testing of breath for law enforcement purposes, based on health and performance considerations; and

(e) a list of preliminary screening devices which are

approved for testing of breath for law enforcement purposes and which law enforcement agencies may purchase and train officers in the use of as aids in determining probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001 and amendments thereto.

Sec. 2. K.S.A. 1989 Supp. 65-1,108 is hereby amended to read as follows: 65-1,108. (a) It shall be unlawful for any person or laboratory to perform prenatal ~~serological~~ tests for syphilis, ~~serological~~ tests for human immunodeficiency virus or tests for controlled substances included in schedule I or II of the uniform controlled substances act unless the laboratory in which such tests are performed has been approved by the secretary of health and environment to perform such tests. Any person violating any of the provisions of this section shall be deemed guilty of a class B misdemeanor.

(b) As used in this section and in K.S.A. ~~1988--Supp-~~ 65-1,107 and amendments thereto, "laboratory" shall not include: (1) The office or clinic of a person licensed to practice medicine and surgery in which laboratory tests are performed as part of and incidental to the examination or treatment of a patient of such person; (2) the Kansas bureau of investigation forensic laboratory; (3) urinalysis tests for controlled substances performed by the department of corrections for institutional management purposes on inmates in the custody of the secretary of corrections and incarcerated in a correctional institution or facility under the jurisdiction of the secretary of corrections; or (4) urinalysis tests approved by the secretary of corrections for controlled substances performed by the community corrections programs.

Sec. 3. K.S.A. 1989 Supp. 65-1,108a is hereby amended to read as follows: 65-1,108a. (a) Information obtained through prenatal ~~serological~~ tests for syphilis, ~~serological~~ tests for human immunodeficiency virus or tests for controlled substances included in schedule I or II of the uniform controlled substances act conducted by a laboratory approved under K.S.A. 65-1,107 and

65-1,108 and amendments thereto by the secretary of health and environment to perform such tests shall be confidential and shall not be disclosed or made public by officers or employees of such laboratory, except that such laboratory test results shall be released only to: (1) The person who ordered that such tests be made; (2) the secretary of health and environment if required by the secretary as part of the approval of the laboratory under K.S.A. 65-1,107 and 65-1,108 and amendments thereto; and (3) the secretary of health and environment for data collection purposes so long as such information is released in such a manner which will not reveal the identity of the person who is the subject of the information.

(b) A violation of this section shall constitute a class C misdemeanor.

Sec. 4. K.S.A. 1989 Supp. 65-1,107, 65-1,108 and 65-1,108a are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Senior Care Act

SENATE BILL No. 60

AN ACT enacting the Kansas senior care act; authorizing the secretary of aging to establish a program of in-home support services for certain adults; providing for requirements for and limitations on such program; providing for the administration of the program.

Be it enacted by the Legislature of the State of Kansas:

Section 1. This act shall be known and may be cited as the Kansas senior care act.

Sec. 2. The legislature hereby finds and declares that:

(a) There are many older Kansans who face difficulties in maintaining self-care and independent living within the mainstream of life;

(b) inappropriate or premature institutionalization of persons who have not exhausted their financial resources often leads to exhaustion of those resources and placement in more costly and limited long-term-care services; and

(c) it is in the interest of older Kansans and of providers of care that a coordinated system of services be developed.

Sec. 3. (a) Within the limitations of appropriations therefore, the secretary of aging is hereby authorized to establish a program of in-home services for residents of Kansas 60 years of age or older who have functional limitations which restrict their ability to carry out activities of daily living and impede their ability to live independently.

(b) The secretary of aging shall establish and administer, pursuant to the provisions of this act, a program of in-home services as authorized under subsection (a). The secretary shall designate area agencies on aging to administer the program in their respective planning and service areas. The secretary shall designate an area agency on aging to receive funds only after the area agency on aging has submitted an acceptable program plan. The plan must be developed with support of a local or regional coordinating committee comprised of representatives of senior organizations, home health agencies and health departments, department of social and rehabilitation services offices and other interested groups.

(c) The program of in-home services authorized under subsection (a) shall serve such planning and service areas and provide such services as may be specified by the secretary and as are consistent with this act and with appropriation acts relating thereto. The secretary shall establish by rules and regulations the priority of services to be offered under this program. Such services shall include, but not be limited to, homemaker services, attendant care services, transportation for care services, chore services and care management services. The secretary shall follow the priorities established in specifying services under this act, but any such service or services, or combination of services, to be provided under this act shall be consistent with appropriations for such program.

(d) In establishing a program of in-home services authorized under subsection (a) and the provisions of this act, the secretary of aging may:

(1) Make grants to area agencies on aging;

(2) fix, charge and collect fees for services provided as part of such program, such fees to be fixed on a sliding scale based on the recipient's ability to pay for the services;

(3) adopt rules and regulations necessary to establish the program under this act and to administer the provisions of such program and shall adopt rules and regulations as provided under section 6;

(4) enter into contracts as necessary to carry out the provisions of this act; and

(5) take such other action as may be necessary to carry out the provisions of this act.

Sec. 4. (a) After July 1, 1990, all funds granted to an area agency on aging under this act shall be matched with funds from other than the federal or state government, ~~on a dollar-for-dollar basis~~. Client fees may be used to meet this requirement. Funds shall only be granted to area agencies on aging based on plans approved by the secretary.

SENATE BILL No. 60—page 2

(b) Funds for purchase of service under this act shall be spent only when other sources of support for service provision are not available. The funds shall not replace medicaid, older Americans act, community services block grant, medicare and other state or federal funding sources that may be used to pay for needed services.

Sec. 5. A screening and assessment mechanism shall be established by the secretary to be used for establishing every client's need for services.

Sec. 6. The secretary shall adopt rules and regulations to govern:

(a) The eligibility of persons receiving the services;

(b) the level of payments to providers and funds spent for each client;

(c) sliding fee scales based on ability to pay for services provided under this act;

(d) reports to be made to the secretary by the area agencies on aging;

(e) the level of local match required to participate in the program during fiscal year 1990;

(f) the selection of clients who are most in need of the program's benefits; and

(g) such other matters as the secretary deems necessary for the administration of this act.

Sec. 7. Plans shall not be found acceptable unless they contain:

(a) Evidence of support by a broadly representative committee of representatives of the planning and service area to be served;

(b) identification of service providers to be reimbursed for services;

(c) evidence that no in-home services will be directly provided by an area agency on aging; and

(d) a means acceptable for selecting clients who are most in need of the program's benefits.

Sec. 8. (a) The secretary shall develop, wherever practicable, sliding fee scales based on people's ability to pay for in-home services provided pursuant to this act.

(b) The secretary may approve use of funds for any of three purposes:

(1) To purchase services;

(2) to defray start-up expenses of providers of needed and insufficiently provided services;

(3) to administer the program.

(c) Area agencies on aging may purchase services through purchase of service contracts, preferably with existing local service providers.

Sec. 9. The area agencies on aging that receive funding shall negotiate for and broker services either by themselves or through other agencies for adults in need of such services.

Sec. 10. (a) The secretary shall evaluate the effectiveness of the program implemented pursuant to this act. Such evaluation shall include data on number of clients screened, assessed, evaluated and found to be in need of institutional and noninstitutional services, number referred to different services and the costs per client. The secretary shall quantitatively and qualitatively assess the cost effectiveness of the program. The secretary shall present a draft of the evaluation report for comments to the interagency coordinating committee, which committee shall be established and appointed by the secretary to advise the secretary on implementation of the program developed under this act.

(b) The evaluation in accordance with requirements of this section shall be prepared by the secretary and made available, along with the interagency coordinating committee's comments, to the governor and to members of the legislature no later than December 31, 1989, and December 31 for each year of each succeeding year during which the program is in effect.

Sec. 11. The secretary may apply for and receive other funds, as appropriate, for the program established under this act.

SENATE BILL No. 60—page 3

Sec. 12. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted
Conference Committee Report

etc.

SPH:W
Attachment #3
1/25/90

HAVE YOU BEEN VICTIMIZED BY SOCIAL WELFARE'S, ILLEGAL POLICIES:

We the people of A.S.G.A.S.W. want to find out .

If you are a victim of Social Welfare's Illegal Policies .

1. If in your case history Social Welfare has conducted in
BAD FAITH .

This is a violation of Kansas Law, Rules of Civil Procedure
Item (d) Pg. 56 .

2. If Social Welfare in your case history of examination.
Has acted Unreasonably to Annoy , Embarrass or Oppress
the innocent party .

This is a violation of Kansas Law , Rules of Civil Procedure
Item (d) Pg. 56 .

3. If you the innocent person in your opposing testimony though
the examination of Social Welfare .

Present (law: To bring) Personal Knowledge that set forth
such facts that would be admissible in evidence .

Notwithstanding Social Welfare conceals the opposing testimony
withholding it from the record.

This is a violation of Kansas Law, Rules of Civil Procedure
Pg. 96 (e) KSA 60-256

4. If you the innocent person though appearing at hearing and
trials .

Have been denied your right , to give testimony that is clear
and convincing evidence .

Founded on facts with consideration of policy and logic .

For the answering in his or her rebuttal .

The testimony is withheld from the hearing or trial, because
you do not have attorney for your rebuttal .

This is a violation of Kansas Law, KSA IIIA (b) .

5. If you the innocent person are in a paternity case.

And you assert, you're not the father .

The defense is not frivolous .

Thus due to Social Welfare's concealment of these facts.

SPH+F
Attachment 4
1/25/90

5 cont. You the innocent person have been , forced to pay illegal childsupport, or be put in jail .

This is violation of Kansas Law KSA 23-476

6. If you the innocent person have been abused by Social Welfare's in these areas of error, also with respect to the information .

We the innocent people demand the State promptly notify .

These persons with a notification of not being the person liable .

For the past due support .

Thus the state must promptly refund all monies taken from these people illegally .

7. If you the innocent person , Social Welfare has taken your tax monies using these wrongful act's and policies .

Using the Offset program to enforce this debt against the innocent party .

Are against the innocent party's spouse income tax .

Whom does not owe.

This is against Kansas Law .

Please Contact A.S.G.A.S.W. or any person of Asgasw's Assistance roster .

1. From the Adverse Support Group Against Social Welfare :
information officer, W C Woods II Esqur. 342-0964
2. From the office of the Governor .
Mike Hammond , statehouse 2nd floor Topeka Ks. 1-800-432-2487
3. From the office of Social Rehabilitation Services :
Jim Robertson Topeka Ks. 913-296-3237
4. From the office of Fraud and Recovery :
Attorney David Sutton Topeka Ks. 913-296-2629
5. From the office of the F.B.I.
Special Agent , Parnell Miles Jr. 816-221-6100
6. From T - V. 4 the office of the Action Reportor :
Tim Richardson 816-753-HELP
7. From the Call News Paper .
Stacy Overman 816-842-3804
8. From the Kansas City Consul (selected by the Mayor)
Chester Ownes 913-573-0000
9. From the Kansas City, Kansan News Paper .
Bob Friskel 913-371-4300

Elisa Marie Cosgrove
5805 Slater Place
Merriam, KS 66202
(913) 426-1844

I would like to thank the committee for any and all of its time and efforts that it spends on this not only serious, but urgent, issue -- OUR CHILDREN.

Children not only put in foster care, but left in foster care limbo. Robbed of their childhood. Robbed of their parents, grandparents, aunts, uncles, cousins, best friends, pets. Robbed of their religion and everything they ever held sacred all the way down to their names.

I would like to start by reading some quotes.

Doctor David Post, Ph.D

"If a child's bond with his parents is interrupted, and subsequent bonds with foster parents are broken, the child learns not to trust relationships. He feels betrayed and has no stable pattern or template with which to judge relationships and the fairness of other people. His lack of trust in people lasts a lifetime."

(Dr. Post has worked with more than 700 foster children and families.)

SPH+P
Attachment 5
1/25/90

Dr. Hales

"The damage to a child's bonding process, which is critical to his emotional well-being once a child establishes a psychological bond with a person and that bond is broken, the child's chances of successfully bonding with another are significantly diluted. Some foster care children who are bounced from home to home never bond with any other person, and evidence suggests that such psychological history can lead to sociopathic personalities."

A Foster Mother

"These children have been let down so many times they're afraid to let go and trust (foster mothers). It's like a cancer to them. There's a hurt inside they want their parents to love them, but they can't. They come to love their foster family and they feel guilty about that. They are constantly torn."

Thousands of foster children live in a world of unanswered questions:

- Where will I be on my birthday?
- Uncertainty about the future is a painful fact of life.
- Not being able to know what your family is doing.

The child reacts to his sense of abandonment and helplessness with feelings of anger at the parents. They feel they deserted them.

The child blames himself for all the incidents leading up to the separation.

COMMON FEELINGS FOSTER CARE CHILDREN POSSESS:

1. have low self-esteem
2. feels abandonment and a loss of everything loved and known -- a baby's greatest fear is of losing its parent; that's why we play peek-a-boo with our children.
3. feels rejection so he or she feels unloved.
4. feels humiliation because he or she is just a foster child.
5. feel totally worthless.
6. complete helplessness because of what is happening to him or her.
7. he or she just longs to be normal and feel like other children.

We are now bringing up a generation of children full of anger and rage. Full of fears and scars. Full of fear of relationships. Mistrust is all around them; fear of loving someone only to lose them, or worse, to be destroyed by them. Fear to have children. Fear of their own future. Even when reunited, they feel a fear of losing their family again.

Of America's estimated 63.5 million children under 18 years of age, it is nearly impossible to determine how many children are in government custody. Because not all states collect such data and each state uses its own method of reporting, some children may be counted more than once; others may not be counted at all.

STAGES OF FOSTER CARE

1st stage: a sense of disbelief the first few days or weeks many suffer colds, lack of appetite, night mares, or other problems from the shock of separation.

Children feel better if their parent at least gets to say a definite goodbye.

2nd stage: is the reactions to separation -- is protest.

Children may do everything they can think of to irritate the foster parent in the hope of getting home again.

Children lash out at all three persons:

1. biological parents
2. social worker
3. so also, the foster parents who keep them in this unwanted environment.

Children are frequently hostile to other children at school because the separation did not happen to them.

Being angry after moving in to foster care is normal. So is being sad.

Let children know they are not alone in experiencing these feelings.

3rd stage: known as despair -- when a child gives up fighting, perhaps after several months of staying in the foster home.

Sadness tends to increase. Many children act younger than their years and tend to mope around the house and appear to need some kind of comfort. And, when comfort is offered, they may not accept because they are not ready for it. It's not from the right people.

4th stage: In the fourth and last stage, children adjust to foster care although they do not get over the separation. They begin to feel better and accept the situation within which they have been placed.

Some experts believe it takes usually about nine (9) months to reach the adjustment state. And, even then, there are many more problems to be dealt with.

Often the children who make the best adjustment to foster care are those who have regular constant contact with the natural parents.

In fact, visiting is considered the single most important thing that a parent can do for their child in foster care.

State care can hurt as much as it helps. At least half of all runaways in the U.S. have fled from foster homes, group homes, correctional institutions. Many of these children choose to live on the streets rather than to go back to the "system."

Why must our children suffer this unjust, inexcusable and inhuman treatment when they have loving grandparents, aunts and uncles with whom they are familiar and related by blood?

Criminals who are guilty of a crime and are serving time have more privileges than our children in foster care. Children in foster care:

- are not allowed visits, phone calls or letters from their family.
- are totally alienated from all that they are; and,
- have their total inter-fiber destroyed.

I will close by asking one question: "Why?"

Respectfully yours,
Edna Logan
(913) 362-2109

8811 East 75th
Raytown, MO 64138
(816) 358-4409



March 15, 1988

Dear Elected and Media Representatives of all Kansas Citizens:

Why am I asking you to help me say "Happy Birthday" to my daughter? Lorie Marie is 12 today, and agents of the state, your employees, keep her and my son in the limbo of foster care. We have had NO contact with each other since June of 1985.

This letter comes to you today, hand-delivered from me, in honor of Lorie Marie and Charlie Patrick. This is a mother's cry for help.

We, in Kansas, know as well as anyone "there is no place like home." But in the past four years, the children I love have been denied growing up in their natural home as I have been denied the caretaking I did happily and so well until I was thrown in a "Land of Oz." (see attached article)

Since you must finance the nightmare which caused our family's separation, I am praying you will want to help change it -- FAST! Please insist Lorie Marie and Charlie Patrick be returned home so our family can go on its way without unmerited interference of tax-financed force against ours or any other innocent family.

Our series of errors began in 1984. When I filed for a divorce, I ended up in Probate Court defending my sanity because of allegations my husband started. My children were placed in foster care. One week before the divorce was to be final, he started allegations that I had sexually abused our son when he was an infant. I was first convicted and on my way to prison for life. Miraculously, the verdict was set aside and a new trial ordered by the District Judge citing an "accumulation of errors" in the original trial, and my claim was upheld that "I was deprived of effective legal counsel."

How could things get worse? Well, an unseasoned attorney briefly replaced an experienced judge in Juvenile Court. He severed my parental rights before I could prove my innocence in criminal court. Six months later, I was acquitted of the sex charge. I and others believed the children would be returned. After all, the errors had been exposed and justice had been achieved. Well, it didn't happen.

Instead, my children remain in foster care limbo as I keep hoping, praying and searching for justice.

How does this feel? It's like having open heart surgery with no medication -- everyday of my life I miss my children more than words could adequately say.

Elected and Media Representatives of all Kansas Citizens
March 15, 1988
Page 2

There is a legal appeal pending, but action from you — as representatives of all the citizens in Kansas — is far more likely to bring home the children I so dearly love. Once I was a room mother, Brownie leader and Sunday school teacher for my children.

Could you afford to owe lawyers nearly two hundred thousand dollars (200,000.00) to right these wrongs and stop this kind of counter-productive child protection?

You probably think, just as I did, that your children are yours as long as you love and care for them. Our constitution supposedly protects parental rights. Please understand they are only on loan until a **false accusation changes your life**. All the state's tax and police power may be used to part parents and children, only an enlightened outcry will bring us back from the Oz of family trauma.

Along the way, the yellow bricks I traveled were often walls put up by SRS or the Justice System. Yellow seems to be the color of people afraid to stand up for love and **law the way we THINK it works**.

We had our own Tin Men, people who seemed to have no hearts; Scarecrows everywhere, some still trying to scare me into giving up on my children; and the Cowardly Lions, all of us who WERE afraid, but now know we can support and encourage families when we persist in sharing justice for ALL.

Unless there are some provable reasons children cannot be safe with parent who love them, **THERE IS NO PLACE LIKE HOME**.

Will you PLEASE help me to tell Lorie Marie Happy 12th Birthday, and bring her and Charlie Patrick home?

With high hopes and eternal gratitude.

Elisa Marie Cosgrove

Elisa Marie Cosgrove

Enclosures: "Hoping and Praying for Justice", Steve Nicely, February 26, 1988

Picture collage of birthdays of the past and other precious memories together as a united family



THE JOHNSON COUNTY STAR

Ovland Park, Frank Village, Fairway, Lawrence, Leawood, Liberty, Maple Hill, Olathe, Overland Park, Westwood & Merriam



Steve Nicely

Hoping and praying for justice

Elisa Cosgrove is a 32-year-old, battle-worn veteran of Johnson County's justice system.

She estimates that she has spent about \$170,000 defending her interests in divorce court, where her violent marriage ended; probate court, where she defended her sanity; juvenile court, where she lost custody of her children, and criminal court, where she was first convicted, then acquitted of child sexual abuse charges.

She has not had custody of her two children since spring 1984 and has been denied the sight and sound of them since autumn 1985. Now she wants them back.

So when Cosgrove heard about an expansion of the Court Appointed Special Advocate program for children in Johnson County, the topic of this column Feb. 12, she was none too pleased. She had been judged negatively by a CASA volunteer, and she has formed some rather negative opinions of her own about the group.

"There is no doubt in my mind that my CASA report prejudiced the judge completely against me," Cosgrove said. "They (CASA volunteers) will never be held accountable in a court of law, but I publicly hold them accountable. No child should have to go through what my children have gone through because of them."

The role of the citizen volunteers is to serve as the eyes and ears of the court on behalf of children caught in traumatic cases of divorce abuse, neglect and abandonment.

The volunteer who was appointed to Cosgrove's children recommended nearly 2½ years ago that Cosgrove should temporarily be barred from visiting them. They were in foster care while she awaited trial on her criminal charges.

"I think it's very dangerous when

Nicely *continued from pg. 1*

we allow people to just come in off the streets and document total hearsay, (to) listen to an ex-spouse rattle anything off and put that down on paper, and the judge reads it as absolute fact."

She said it was unfair to allow hearsay to be used as evidence and that the CASA volunteers should be held accountable for the content of their reports.

The juvenile court judge followed the CASA volunteer's recommendation, and Cosgrove said she had not seen her children since. A year later (and six months before the criminal case was resolved), her parental rights were severed permanently in juvenile court.

Her criminal charges were first aised by her husband, Charles Cosgrove, a week before their divorce was final in September 1984. He soon would be imprisoned in the Kansas State Penitentiary at Lansing after pleading guilty to a similar but unrelated sex

abuse crime.

Charles Cosgrove testified in Elisa Cosgrove's second trial that he had lied to authorities from the beginning, saying he was upset about the divorce and wanted some way to get back at his ex-wife.

But acquittal in criminal court does not automatically change the results of the Cosgrove's juvenile court severance trial. Cosgrove said briefs have been filed in juvenile court for an appeal of the severance verdict.

A man who takes exception to Elisa Cosgrove's dim view of Court Appointed Special Advocates for children is Judge Herbert W. Walton, administrative judge of the 10th Judicial District. He led the effort to introduce the program here.

Walton said contents of CASA reports could be introduced as evidence in hearings as long as lawyers for both sides receive copies of the report and have the opportunity to call witnesses, cross-examine them, and confront those

who have accused them.

"So you see," he said, "we're not living in Russia."

Maybe not, Cosgrove said, but she said no witnesses were called in her hearing and she was dismayed because her lawyer failed to do so.

It's not unusual, however, that a lawyer would not call witnesses. Eleanor Leigh Klein, executive director of the CASA project in Johnson County, said she knew of no cases where witnesses were called.

"The rights are there," Klein said. "It's just that nobody has exercised them up to this point."

Betty L. Barnett, the CASA volunteer assigned to Cosgrove's children, was barred by law from discussing details of confidential juvenile cases, but she was willing to talk about the program in general.

She noted that there were more than 250 CASA projects in the United States involving more than 12,500 volunteer fact finders. They talk with the children, parents, teachers,

relatives, neighbors, doctors and others familiar with the children, then make independent recommendations based on what they think would be best for the children.

The recommendations do not always agree with those of social service officers, social workers or guardians. Recommendations are just that. The court is free to accept them or not.

Cosgrove, who now lives in Raytown, is Kansas City area coordinator and a national vice president of Victims of Child Abuse Laws, or VOCAL for short. She has made the rounds as a guest on Kansas City's talk-show circuit and has appeared on a national television network morning program.

For Cosgrove, the judging in court, and the court of public opinion, goes on.

I don't know what it is, but I hope and pray that she and her children receive the justice they deserve.

5-9



HAVE A
"HAPPY BIRTHDAY!"

8811 E 75th
Raytown, MO 64138
(913) 358-4409

April 18, 1988

The Honorable Robert V. Talkington
The Kansas State Senate
20 N. Washington
Iola, KS 66749

Dear Senator Talkington:

American families are in crisis. We believe that fewer children in the state of Kansas would be abused by individuals and by the system if more people were better informed with factual and solidly-based knowledge of child abuse and what works to reduce it. We believe the present system results in a large number of non-abused children and non-abusive families being harmed by the actions of the system while **many abused children are not helped.**

There is probably no area in which the government intrudes more directly or more dramatically into the family than in the area of child welfare. Everyday, all over the country, the government exercises its authority to remove children from their parents on a temporary basis. These temporary removals often become permanent with the passage of time and the absence of services necessary to help solve the problems that led to the family being disrupted in the first instance.

The tragic irony of this situation is that many children who enter foster care are doomed to spending their entire childhoods in government custody. **Approximately 300,000 children today are living in foster care.**

Everyone agrees that there are extreme circumstances in which the government must remove children from clearly abusive parents. Unfortunately, the power to remove children is often used as the government's first response to a troubled family. Instead of helping the family with its problems, the government all too often simply removes the children.

Because too many children were being removed from families and because children once removed tended to drift through foster care not being returned home or freed for adoption, in 1980 Congress passed the Adoption Assistance Act. One part of that law says that before any child can be removed from his or her parents, the state must make "reasonable efforts" to prevent foster care. This simply is not the case with the Department of Social & Rehabilitation Services (SRS) in Kansas.

Families are being reunited because of lawsuits filed by the ACLU's Children's Rights Project in Louisiana, New York, Louisville, New Mexico, and Kansas City. One of the primary goals of the Children's Right's Project is to prevent the government from unnecessarily removing children from their parents or refusing to return children once removed. Through litigation directed at a city or state's child welfare system, the ACLU tries to force the government to redirect its efforts to keeping families together by providing "preventive services" -- services that prevent foster care placement.

In New York, the ACLU filed a class action lawsuit against the city, arguing that the city failed to follow the clear and specific provisions of state and federal law that requires the government to first offer services to the family that will keep the family together. The lawsuit asserts that if an otherwise adequate parent needs housing and parenting skills, it's the government's obligation to help them find an apartment and offer her a homemaker who can show her how to be a better parent and not to take away their children unless there is no other alternative.

In many case, the child victims of abuse in foster homes are black or other minority group children. "It's a crisis of major proportions when you think that there are more black kids injured by the foster care system in a year than were injured by the Ku Klux Klan in 20 years," says Robert Woodson, the President of the National Center for Neighborhood Enterprise, a Washington-based think tank on black issues.

Our government is abusing our most precious national resource--our children--and calling it "child protection."

We need to improve the way the SRS and the child protective system respond to all persons involved. When an accusation of child abuse or neglect is made, we need refinement of professional standards of accountability for all persons involved in the assessment, investigation and resolution of incidents of alleged child abuse.

It is very apparent that SRS has historically used individuals who do not meet Kansas statutory qualifications. An example of this practice, taken from sworn testimony by such an "expert," is excerpted from portions of Dr. Bill Dean Graham's testimony from the jury trial, State of Kansas vs. Darryl A. Danner, the transcript clearly reflects:

1. Dr. Bill D. Graham, by his own admission, is not licensed in the state of Kansas.
2. Dr. Graham would not even be eligible for licensing in the state of Kansas.
3. Dr. Graham has been licensed in Missouri since 1978, which was the first year Missouri had a licensing law.

4. Dr. Graham was grandfathered in, so to speak, which means he did not have to take a test or pass any board or anything like that. He just renews his license each year.
5. When he is asked how he is able to perform services in a state agency within a jurisdiction that he is not licensed, he states the law in Kansas says that within a 50-mile radius the state of Kansas can pay for people within a radius outside of the border, as well as other states within the 50 miles which includes five (5) other states surrounding Kansas.

It's very important to know that Dr. Bill D. Graham does not meet educational requirements in Missouri today as set forth in 4CSR235-3.010 Educational Requirements (rescinded October 11, 1979), or 4CSR 235-3.011 graduate degree program requirements.

The provision of section 337.023 RSMo (1978) clearly states that the graduate degree of an applicant for licensure as a psychologist must be based upon "a program of studies whose content was primarily psychological."

By Dr. Graham's own admission, he obtained his M.S. through the School of Education and not from the School of Psychology.

6. Since 1970, Dr. Graham has not taken any course work in any School of Psychology or any Department of Psychology.
7. Over the past year, Dr. Graham has received somewhere around twenty (20) referrals from SRS and he said that was strictly guessing.
8. Dr. Graham admits to not taking an independent history of each case. He just takes the history from the SRS worker.
9. Dr. Graham admits he has no idea of what type of degree she (the SRS worker) holds or if she is even a diagnostician. In other words, Dr. Graham takes history from someone whom he has no idea about their qualifications to even take history.

When asked if he even took history into account, Dr. Graham said, "Very little." When asked what psychologists commonly refer to as the number one diagnostic tool, he answered, "he did not know." The attorney told him its history.

From many other cases that Dr. Graham is involved with, we know that he cannot give any type of testing to the children to evaluate them because he doesn't have the training to do it. He doesn't tape record the child's first visits, and he does not find it necessary to take notes on the children.

Dr. Graham also stated that in every case he had received from SRS it was his opinion there was sexual abuse.

Dr. Graham has even conducted workshops for the Olathe SRS office. To the best of his recollection, he had conducted three (3) workshops, possibly four (4). In other words, he is training the social workers at SRS.

We don't understand why the state of Kansas SRS would find it necessary to seek "experts" across the state line.

Inadequately trained child protection workers must be stripped of their power through stricter professional standards. Many of these people don't have formal training in the area. The state of Kansas has set minimum standards for "experts." The spirit of the law is being disregarded.

It seems as if there is no adequate supervision. In other words, we need quality control over SRS and statutory compliance.

10. The following sworn testimony by Dr. Graham from juvenile court transcripts is further cited. The child's name is not revealed due to confidentiality. The child is said to have multiple-personalities.

When Dr. Graham was asked how he was able to bring out these personalities his answer was, "At first, it took much, much longer." "Then subsequently, later, I would place my hand on her forehead to concentrate, and this is (child's name), ask her to concentrate, and I would keep repeating 'ghost,' I want to see you, 'ghost,' I want to see you," repeating that phrase over and over;" "and then eventually the ghost personality would emerge." "We tried this for at least two sessions and the ghost did not emerge." "Finally, in the third session, it did or she did." "Later, as treatment progressed, and to the present time, I could simply ask to see whichever personality that I wanted to deal with." "It would be a matter of at the most five (5) seconds." "At the first, it would be at least five minutes."

The child on whom Dr. Graham placed his hand has been robbed of her childhood and she has been detained in foster care since 1984. Dr. Graham has seen her every week for what he terms "treatment" since 1984. However, it was not until 1985 that the multiple personalities were diagnosed in the child, even though the DSM III (Diagnostic & Statistical Manual of the American Psychiatry Association, Third Revision -- the official book of diagnosis) states that true multiple personality disorder is most frequently diagnosed either in late adolescence or young adult females.

Our questions to you, today, are: 1. If Dr. Graham does not meet educational requirements in Missouri, why does the state of Kansas solicit and pay for his services? 2. Since the effects of his testimony are so crucial, why is Dr. Graham's testimony considered valid if he is not qualified to give any type of decisive testing to evaluate children, according to DSM III accepted standards? 3. What prompts the state of Kansas to reach across the state line for Dr. Graham's continuous services?

Senator Talkington
April 18, 1988
Page 5

We urge you to rectify this deplorable situation in this session. The remedy: simply put a summer interim study on SRS. Let us bring forth to you, our lawmakers, our testimony, our problems, and most important of all, let us bring forth our ideas, our suggestions, our national studies.

We are in hopes that someone will find a bill on which to tag an amendment that will give due process of law hearing to those Kansans accused of the heinous crime of child abuse.

We believe that in the effort to support healthy growth and to reduce child abuse, society should scrupulously guard against any erosion of our cherished constitutional rights and principles.

Kansas law must give equal consideration to the sanctity of reputations.

It is great tragedy that an innocent adult's reputation may be stained for life with the label of "child abuser" on mere suspicion without any semblance of due process.

Thank you so much for your consideration. We await your early advice.

Respectfully yours,

Elise Marie Cosgrove

EMC:jes

than twenty-eight (48)-consecutive calendar month period. In no case shall this experience be accumulated at the rate of less than twenty (20) hours per week nor more than fifty (50) hours per week.

Auth: sections 337.050.5, RSMo (Supp. 1986). Original rule filed Aug. 11, 1983, effective Dec. 11, 1983. Amended: Filed May 4, 1987, effective Aug. 13, 1987.

Chapter 3—Educational Requirements

4 CSR 235-3.010 Educational Requirements (Rescinded Oct. 11, 1979)

4 CSR 235-3.011 Graduate Degree Program Requirements

PURPOSE: The purpose of this rule is to interpret the provision of section 337.020, RSMo (1978) that the graduate degree of an applicant for licensure as a psychologist must be based upon "a program of studies whose content was primarily psychological."

(1) The phrase "a program of studies whose content was primarily psychological" as used in section 337.020, RSMo (1978) is interpreted to mean an integrated, organized sequence of study, the purpose of which is to educate and train people to be professional psychologists. An applicant for licensure as a psychologist, possessing either a doctorate or a master's degree, will be deemed to have met the educational requirements of chapter 337, RSMo (1978) if the degree program was designed to train the applicant to discharge the responsibilities of the practice of psychology as defined in section 337.015, RSMo (1978). The applicant's educational program shall include core course work in the basic areas of psychology, and course work and training in preparation for the professional practice of psychology, as defined in sections 337.015.3 and 337.015.4, RSMo (1978). Core course work in psychology shall include graduate course work in the following areas: the biological bases of behavior, such as sensation and perception; the cognitive-affective bases of behavior, such as learning, thinking, motivation and emotion; the social bases of behavior, such as the psychology of interpersonal relationships, group processes, and organizational and systems theory; individual differences, such as personality theory, human development, and abnormal psychology; and the scientific methods and procedures of understanding, predicting and influencing human behavior, such as statistics, experimental design and psychometrics.

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Dr. Bill Graham
don't even have these
requirements

An appropriate program of study also shall include graduate course work and supervised practical training in rendering services to individuals, groups and organizations in preparation for the professional practice of psychology as defined in sections 337.015.2 and 337.015.4, RSMo (1978). The applicant shall provide official transcripts and any other supporting evidence necessary to document the fact that these educational requirements have been met. The applicant has the burden of demonstrating that his academic course work and training constituted a program of study whose content was primarily psychological. A final determination of whether the program of study which formed the basis of the applicant's degree was "primarily psychological" is within the discretion of the department.

Auth: section 337.050.5, RSMo (1978). Original rule filed Jan. 14, 1981, effective June 11, 1981.

Chapter 4—Licensure Without Examination

4 CSR 235-4.010 Requirement for Licensure Without Examination

PURPOSE: The purpose of this rule is to comply with section 337.020 RSMo (Supp. 1977) which requires this department to license, as a psychologist any applicant who fulfills certain requirements without examination.

(1) Any person who on or prior to March 28, 1978 files with the department evidence satisfactory to the department that for at least two years preceding his application he has been a resident of or principally employed in the state of Missouri and has been engaged in the active profession of subsections 1 and 2 of section 337.020 RSMo (Supp. 1977) by means of such evidence as is required by 4 CSR 150-5.010 and 5.020 shall be licensed and registered as a psychologist without an examination.

Auth: section 337.020 RSMo (Supp. 1977). Emergency rule filed Oct. 4, 1977, effective Oct. 14, 1977, expired Feb. 11, 1978. Original rule filed Oct. 4, 1977, effective Feb. 11, 1978.

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5-16



STATE OF KANSAS

JOHN CARLIN GOVERNOR

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

April 17, 1986

STATE OFFICE BUILDING
TOPEKA, KANSAS 66612

ROBERT C HARDER Secretary
Mike VanLandingham
Area Manager

Social & Rehabilitation Services
Bank IV Building, 3rd Floor
100 East Santa Fe
Olathe, KS 66061

Ms. Elisa Cosgrove
9100 Vaughn
Raytown, MO 64133

Dear Elisa:

This letter is to answer some of your questions given to me on April 16, 1986.

Lorie has developed multiple personalities due to an early childhood of severe, long standing and chaotic environment abuse. Lorie most likely was developing the ability to "split" around age 4 when the abuse started. Lorie has had a total of four personalities:

- 1) Lorie
- 2) Ghost -- you reported you have information on this personality. Hostile and angry.
- 3) G -- Male - age 1 year younger than Lorie. He came in Mid 1985. Seems that the reason he is a male is that a male can physically protect Lorie against being attacked.
- 4) Zizzia -- 7 years of age - male. Came in November or December 1985. He is a very sociable child; likes people, talking, and having a good time.

Lorie has been integrated with Ghost and G. Currently there remains only Zizzia to be integrated. This personality may be integrated within several months. However, Lorie will still maintain the predisposition to again "split", if she is under additional stress.

Therapy centers around strengthening Lorie. She must become stronger than the other personality before the personalities may be integrated. This is a rare disorder, few cases have been diagnosed in the Kansas City Area.

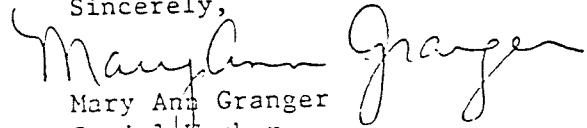
I discussed with you that her teacher has had a difficult time with understanding and believing such a condition exists. Dr. Graham has discussed this matter with her and with Dave Bowman, the school psychologist. At this time, I don't believe anything further can be done with the school. Because Lorie's mind is so often busy thinking of other things, or because she is in another personality She has had a difficult time retaining what is taught to her.

I will discuss your request for a meeting with your children's teachers with Dave Bowman. I will advise you, if they are able to do this.

You finally asked about why the children do not like purple anymore. I can only guess that it reminds them of the past when things were quite crazy and chaotic in their life.

I hope this information helps.

Sincerely,



Mary Ann Granger
Social Worker
Foster Care Unit

Glenda Davis
Chief of Social Services

Lois Mitchell
Supervisor
Foster Care Unit

GD:LM:MG:ham

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

THE STATE OF KANSAS
Plaintiff

Foster Mothers Son

COMPLAINT

NO. K44009

vs.

DIV. _____

MICHAEL A. MILLER,
Defendant

MICROFILMED

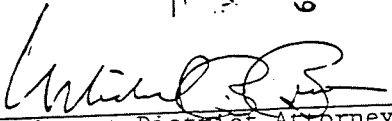
STATE OF KANSAS, JOHNSON COUNTY, ss:

I, Michael B. Buser, an Assistant District Attorney of
said County, being duly sworn on oath state to the Court that on or about the 3rd day
of February, 19 83 in said County of Johnson and State of Kansas,

MICHAEL A. MILLER

did then and there unlawfully, feloniously, willfully and maliciously
kill a human being, to-wit: Michael Keith Stone, in violation of
K.S.A. 21-3402 and K.S.A. 21-4501(b).

FILED
1983 FEB 16 AM 11 09
LLOYD DUNGAN, CLERK
OF THE DISTRICT COURT
BY _____


Assistant District Attorney/ma

Subscribed in my presence and sworn to before me by Michael B. Buser
this _____ day of February, 1983.


Judge of the District Court

- WITNESSES:
- Dennis Moore
 - Det. Cindy Scott
 - Special Agent Dave Woods
 - James G. Bridgens, M.D.
 - Larry Rolands
 - Marion Bowers
 - Vicky LNU
 - Dr. Wiggington
 - Carol Hedstrom
 - Diane R. Stone
 - Dr. Charles Jones
 - M. Vance, RN
 - C. Sissom, LPN
 - Dr. Ron Calcote
 - Randy Chorice
 - Lee Lucero
 - Lynda McCoy, RN
 - M. Zanak, RN
 - Sgt. Dixon
 - Robert L. Leonard
 - Robert Lundblad
 - Daniel J. Muller
 - Det. Darrell Urban
 - April Brumfield
 - Ptl. Ed Salazar

- Gary Dirks
- Bill Chapin
- Officer Paul Roach
- Capt. Ron Jackson
- Det. Dave LeQuire
- Officer Ingraham
- Officer S. E. Smith
- ~~Gene~~ *Keam and Sue Stewart
- Officer Gregory Hermon
- Nanci Palmer
- Susan McNeill
- Julie L. Beall
- Fransetta H. Mitchell
- Det. Steve Moore
- Mr. David Fritz
- Charles C. Hayden
- Bill Young
- Gary McDaniel
- Opal Curtis
- Debra Oswalt

3-2-83

Kansas judge subpoenas director of agency

By Lynn Byczynski
Topeka Correspondent

TOPEKA — A district court judge, worried about "a crisis" in state services for abused and troubled children, last month subpoenaed Winston Barton, secretary of the Kansas Department of Social and Rehabilitation Services, to testify in several juvenile court cases.

"I thought there was a crisis in the care that was being provided by our local (social service) office," said Judge Thomas H. Graber of Sumner County District Court. "I felt I

Concern is that abused children aren't getting help

needed to try to do something to get the administration in Topeka to understand the problems we've been having."

Graber withdrew the subpoena when Barton and two aides went to Wellington, in southern Kansas, to hear the judge's complaints.

In an unrelated action, Graber jailed a state social worker for 48 hours on Dec. 29 and 30 for contempt of court. The judge would not disclose his reasons because the con-

tempt occurred during closed juvenile court proceedings. However, he said the social worker's behavior was unrelated to his criticisms of the agency.

Thomas C. Owens, general counsel for the department, said it was his understanding that the social worker had resigned. The social worker could not be reached for comment.

Graber said he told Barton that a number of problems existed.

Graber said that juvenile court cases weren't reassigned and "fell through the cracks" when social workers left the agency; that investigations of abuse and neglect were inadequate; that placements of abused and troubled children were not "well-considered"; and that caseworkers did not give the court reports on children in its custody every six months, as required by state law.

"I certainly thought their welfare was at hazard," Graber said of the children whose treatment he consid-

See JUDGE, C-2, Col. 1

Judge angered by agency

Continued from Page C-1

ered inadequate. "I recently experienced one (case) where the physical health of the child was in danger."

Barton could not be reached for comment, but Owens said the judge's comments about the agency were not entirely negative.

Reports of problems in the agency, Owens said, were being "overstated, overemphasized ... and overpublished."

"Ninety-five percent of the workers' and cases and everything else going on are handled in fine fashion and the citizens of Kansas are well taken care of," Owens said. "We feel 100 percent of the cases are

handled in the best way we can, but ... there are going to be things that happen."

The agency has come under severe criticism recently for its child protective services. Two children died while under agency supervision last year, and both cases are being investigated as child-abuse deaths.

This week, a Topeka lawyer filed suit against the agency, alleging that services for troubled and abused children are so poor that children's constitutional rights are being violated.

Owens criticized those reports for "trying to point up a major crisis and saying the system is crumbling, when it's not."

S-20

Guardian's suit says state puts children in jeopardy

By Lynn Byczynski
Topeka Correspondent

TOPEKA — Child protective services in Kansas are so inadequate that the lives and safety of abused and troubled children are frequently endangered, says a Topeka lawyer who represents children in juvenile court cases.

The lawyer, Rene Netherton, filed a petition Monday in Shawnee County District Court alleging that conditions within the Kansas Department of Social and Rehabilitation Services violate the constitu-

tional rights of the children the agency is supposed to protect.

"I just began to feel that everyone was taking the attitude, 'That's the system; we all know it's messed up, but there's nothing we can do about it.'" Netherton said in an interview Tuesday. "Then I realized it didn't have to be that way."

She asks the court to order the state to hire more social workers, build a center for runaways, pay for counseling and find care for children who should not be left at

See SUIT, A-12, Col. 4

Suit says state imperils children

Continued from Page A-1

home.

Ann Rollins, spokesman for the Department of Social and Rehabilitation Services, said the agency had not received the petition, and usually did not comment on litigation.

Netherton is a court-appointed attorney who represents the interests of children in a juvenile-court case. She is paid \$10 an hour for the work, which involves evaluating each child's situation and making a recommendation to the judge.

Because only five attorneys are appointed to handle all juvenile-court cases in Shawnee County, she represents 467 children, she said. She has asked that the petition be made a class-action suit, on behalf of all Kansas children who are in custody of the social service agency.

Her suit was filed Monday, the day *The Kansas City Times* reported that two children died last year while in the care of the social services department, which is responsible for protecting abused children. Both deaths are being investigated as child-abuse homicides.

Charlie Walker, 3, of Topeka, died on Nov. 9, 1988, of blood loss from a ruptured liver; Jeremy Parker, 3, of Girard in Crawford County, died June 27, 1988, of head

injuries. Abuse is suspected in both deaths.

Netherton was not involved in either case, though she does represent Charlie Walker's 5-year-old brother, who was removed from the home after Charlie's death.

Since October, she said, foster homes, group homes and emergency shelters usually have been full.

"We (the judge and court-appointed attorney) were making a determination that these children could not be returned home safely, and yet they were being returned home because there was no place to put them," she said.

Often the judge's orders about where to put an abused or troubled child aren't followed for several days, she said, because Social and Rehabilitation Services social workers stopped attending the weekly juvenile court hearings five months ago.

She also said that social workers were so overloaded that they couldn't keep track of their cases and frequently failed to make reports required by the court.

In one case, Netherton said, a year-old child who had been scalded was sent home and a social worker was assigned to keep close watch on the family. After six months, a new social worker took over the case and visited the family.

"The child had racoon eyes from a fracture of the skull, and two old fractures of the tibia (leg)," she said. "This child had continued to be abused over six months. The social worker apparently just called once a week to ask how the family was doing, because he didn't have time to visit."

In another case, a teen-ager ran away from the home where she had been placed in Topeka, but her parents were never notified. After two months, she called her parents from Kansas City.

"Very few of these workers are totally uncaring people," Netherton said. "They just can't do all this."

Winston Barton, secretary of the Department of Social and Rehabilitation Services, last week agreed that caseloads are too large for many social workers. He requested additional workers in his C-level budget, an agency's "wish list."

Fifty social worker positions are vacant, he said.

Gov. Mike Hayden's budget announced Monday does not recommend money for additional social workers. It does, however, recommend \$3.7 million to pay for an increase in the number of children in foster care this year. No increase in financing is recommended for next year.

Section B

12/17/85 Times
Behind the lines



By George H. Gurley Jr.

Neglected kids need advocates

The 50 foster children gathered at a camp in the Ozarks didn't look "hurt, angry and in pain," as they'd been billed. To Betty Barnett, they looked like typical 14- to 18-year-olds.

She had been asked to represent the Court Appointed Special Advocate (CASA) program on a panel — along with a judge, a lawyer and a juvenile court officer — to help Missouri's Division of Family Services learn more about the problems of foster children.

The kids laughed and joked with one another. Someone's birthday cake was polished off.

This isn't going to be so bad, Betty thought. Then a nice-looking 17-year-old boy stood up.

"I'd like to ask the judge something," he said. "Why is it that the judge never listens to the kid?"

That set the tone of the meeting. And suddenly Betty knew it wasn't going to be *easy*, either.

For the rest of the afternoon, she listened to a barrage of horror stories that gave new meaning to the plight of abused and neglected children.

The 17-year-old's alcoholic father had beaten him and sexually abused his two little sisters. He said that when he'd told this to the judge who heard his case, the judge just played with his pen.

"He didn't pay no attention ...," the boy said. He had been sobbing as he told his
See NEGLECTED, B-8, Col. 1

Continued from Page B-1

story. Now he was screaming. "He sent me to a foster home and sent those two little girls home to be beaten up — or worse."

There were numerous stories of young girls being sexually abused by their fathers. The theme of most of these stories was: The children get removed from their homes, but nothing happens to the offending parent.

→ Many of the children perceived the courts, the judges and the social workers as liars, making promises that they failed to deliver on, subordinating lives to red tape.

They scoffed at the option of filing charges against their abusers. How many kids are going to do that? One girl who had filed said she had to submit to probing and intimate questions.

"Guess what?" she said. "They made me take a lie detector test. How come they didn't make him take a lie detector test? Well, I know why. 'Cause they didn't believe me, that's why."

→ Another girl had told her social worker and legal aide attorney that her foster father was sexually abusing her. She was removed from the foster home, but the man was still an approved foster parent.

Betty Barnett left this meeting with a sense of frustration. She had become a Court Appointed Special Advocate — a project sponsored by the Kansas City Section of the National Council of Jewish Women — in 1983 and had become personally involved in the lives of some desperate children.

The project makes recommendations to the court in cases of neglected and abused children based on intimate, one-on-one contact with the child and with witnesses to the child's predicament.

After the gathering in the Ozarks, Betty felt that her efforts as a project volunteer were undermined by an unresponsive legal system.

But a friend of hers, a Juvenile Court commissioner, helped her see it differently.

"The legal system does not need defending," he told her. Legal machinery and due process do not cause the suffering, he said. "Uncaring and misguided people do. Frustration is not the response. Action. Direction. Involvement. That's what's needed."

Imagine what it must be to be born into a violent world where those you trust — your main sources of love and security — betray and use you. Life is a hard enough proposition as it is.

The project volunteers are carefully selected and trained to help these unlucky children. Their ultimate aim is to find a permanent placement for the child, to improve laws and procedures, and to work toward public awareness of the problems of neglected and abused children.

They are looking for volunteers. Call 556-5487 for Jackson County, 782-2303 for Johnson County.

C-LINE # 8202R

Family Crisis

Foster-Care System Is Strained as Reports Of Child Abuse Mount

Suitable Homes Are Scarcer
As Need for Them Rises;
Vicious Circle for Melissa
Tiffany B. Is Taught a 'Game'

By MICHEL McQUEEN

Staff Reporter of THE WALL STREET JOURNAL.
BALTIMORE—At age 10, Melissa was

sexually abused by her father and placed in a foster home. She was treated so harshly there that she was moved to another home. There she was raped. In March the girl, now 15, was confined to a psychiatric facility after her most recent suicide attempt.

Like Melissa, a growing number of children across the country are caught in a vicious circle, encountering abuse wherever they are placed. The number of children in foster care is rising even as the number of available foster homes is shrinking. Child-welfare groups and lawyers charge that, to keep up, many state and local agencies are forced to cut corners on foster-home investigations, overcrowd homes and overlook risks. Reports of child abuse in both natural homes and foster homes have surged.

"The system is overwhelmed," says Mary Lee Allen, a child-welfare expert at the Children's Defense Fund, a child-advocacy group in Washington, D.C.

Victims Often Black

In many cases, the victims of abuse in foster homes are black or other minority-group children. "It's a crisis of major proportions when you think that there are more black kids injured by the foster-care system in a year than were injured by the Ku Klux Klan in 20 years," says Robert Woodson, the president of the National Center for Neighborhood Enterprise, a Washington-based think tank on black issues.

Although there are thousands of good foster homes and many states are stepping up efforts to find more of them, foster-care systems throughout the nation are showing signs of stress:

In Maryland, a suit filed on behalf of the 2,800 foster children in Baltimore charges that children as young as three years have been raped and that many have been medically neglected and otherwise mistreated in foster homes. The suit was filed against the state by the Children's Defense Fund and legal-aid lawyers. State officials say they have done everything possible to protect the children.

In the District of Columbia last spring five foster children, three of them infants, died in a fire in their inner-city row house. The foster mother had left them in the care of a 65-year-old alcoholic and former convict who was drunk when the fire began. The tragedy made public what city officials already knew—that because of a dearth of homes, they were sometimes placing more infants in a foster home than district regulations permit.

Trouble in New York

In New York City, child-welfare workers have operated in a crisis atmosphere since last year when the number of children entering foster care began to far exceed the number of homes available. The 17,600 children in foster care now are the most since 1982, and the city for the first time has opened a group home for infants because of the dearth of beds in private homes. Several suits have been filed charging that too few services are being offered to families who could otherwise keep their children with them.

Six-year-old Tiffany B. entered foster care as an infant in Baltimore. Soon after she was adopted last spring, she told her new mother about a "game" involving sexual fondling that she said she was taught by her foster father. The mother took Tiffany to a doctor, who found physical scarring associated with rape.

Now the mother has seen that Tiffany receives psychiatric therapy—and is undergoing therapy herself as she tries to figure out how to best raise a six-year-old who has experienced what her daughter has.

'Robbed of Her Childhood'

"All the pain she's ever known you can see in her eyes," the mother says of her pensive daughter, who often becomes depressed when away from home, trails her mother from room to room, and refuses to undress for a medical examination without a fierce struggle. "It's like somebody has robbed this child of her childhood, somebody's taken it from her."

Another victim is Frederick Martin, an 18-year-old with a deep desire for an apartment and family to call his own. He has lived in 14 different foster homes, and some of the scars on his arms, chest and legs are testimony to the beatings he received from foster parents.

Frederick, who was sent to a home for troubled youths at the age of 14 after he tried to poison a girl in a foster home—he says she repeatedly taunted him for being parentless—is happy in his current home where his foster parents are teaching him such skills as cooking and grocery shopping.

"They let me know they trust me. They've had teen-agers so they know what it's like," he says, beaming. Still, he complains, "a lot of the stuff I've been through wouldn't have happened to me" if the foster homes had been checked out thoroughly.

A law passed by Congress in 1980 was supposed to prevent many of the problems surfacing today. It is designed to reduce

Family Crisis: As the Reports of Child Abuse Mount, The Foster-Care System Is Showing Signs of Stress

Continued From First Page

the number of children in foster care by a system of federal aid that encourages authorities to release children for adoption or return them to their own homes. And indeed, the U.S. Department of Health and Human Services estimates that the number of children in "out of home" care fell by nearly one-half—to about 260,000 in 1983 from around 500,000 in 1977.

But it was children from families with relatively minor problems who were sent home. And those children placed for adoption were those easiest to place. The most-troubled children—as well as many older and minority-group children—were left in foster homes. Troubled children, child-welfare experts say, need foster parents with special training, something few such parents receive.

"You saw the numbers going down," says Ms. Allen of the Children's Defense Fund. "But also what you saw, as a result of getting the easiest kids out of care, what you're left with are the roughest cases—the multi-problem children, the adolescents, sexually abused children."

That might have been manageable, officials say, if the number of children in foster care had continued to drop, but it began rising again, to about 270,000 in 1984, and continues to rise in many sections of the country. The main reason: a rise in reports of child abuse by biological parents. The rise is attributed to everything from poor economic conditions to increased public awareness of child abuse. In any case, the number of reports of abuse in all homes jumped to more than 1.9 million in 1985 from 669,000 in 1976, according to a recent report to Congress by the American Humane Association.

More Children Moved

The result is that more abused children are removed from homes. At the same time, mainly because more women have joined the work force, fewer foster homes are available. This is particularly true of the kind of foster home that agencies have traditionally relied upon—those with a wife at home full time and room for more children. Now, in a growing number of cases, children abused by their parents are ending up in homes where they are abused by foster parents.

"I think the system itself is better off today" than a decade ago, Ms. Allen says. "But I think the demands are greater, and I'm not sure the system can withstand the demands that are being placed on it."

Marcia Robinson Lowry, who heads the American Civil Liberties Union's children's-rights project, charges that in many cases, "the states are taking the [federal] money and not doing the difficult and sometimes expensive things that the law requires them to do." Under the 1980 law, states are required, for example, to adequately regulate and evaluate foster homes.

State officials say they feel beaten on all sides—buffeted by social forces beyond their control and stung by public criticism.

"We're dealing with a crisis situation," says Ruth Massinga, Maryland's secretary of human resources. After the federal law was passed, "states were figuring we'd clean up what had become a mess in many places," she says. "However, none of us anticipated that poverty would rise as quickly as it did. None of us knew the phenomenon of single-parent families would rise as it has, that the problems of families would become as intractable as they have over the past decade."

A Foster Parent's Lament

Some foster parents also feel stung. Carl Brown and his wife, Mary, have raised foster children in Pontiac, S.C., for 13 years. With more reports of abuse, he says, "I think there's a stigma attached to foster parents and a stigma attached to foster children." And Mr. Brown says the cost of providing such care has increased. In his state, he says, parents are paid \$4 a day to care for a pre-school child—"in most states, it costs \$5 to \$7 to board a dog."

Many states are taking action to improve that situation. In Maryland, the legislature has granted repeated increases in the reimbursement rates for foster parents, to an average of \$265 a month starting this summer from \$181 in 1981. The state has also hired more caseworkers and raised social workers' salaries in an effort to stem the rapid turnover that left some children without an assigned worker for months at a time.

After the lawsuit was filed, the state reviewed its foster homes—and closed 25% of Baltimore's. Now state officials have hired a marketing agency and a task force to help them come up with a strategy for recruiting more foster parents. So far, however, only 60 families have come forward to replace more than 600 cut from the rolls.

Other states and localities have also stepped up recruitment efforts. In Harris County, Texas, which includes Houston and about 25% of the state's child-welfare caseload, recruiting and training of foster parents are part of a program that closely evaluates the numbers and reasons that children are taken into the system.

Removals Kept Down

The county has managed to keep removals of children from their original homes at about 5%, says Gene Daniel, the regional director of protective services. "I think it's important to treat the child in the home because we know how traumatic it is for a child to be removed from the home," he says. It also can be dangerous to leave children at home, where they occasionally are seriously injured or killed. That, in turn, sparks harsh criticism that an agency isn't doing its job. "It's a risk every time we send a child home," Mr. Daniel says, "but the risk is worth it."

In the Houston area, Mr. Daniel says, foster parents recruit other foster parents. He says the county is lucky to have held the number of foster families steady at 450 over the last eight years "because for us, not losing is winning."

Other areas, including parts of Minnesota, are experimenting with salary-sized payments to specially trained foster parents who care for particularly hard-to-place children. Such payments would allow many trained workers to stay home and provide 24-hour care.

Douglas Besharov, a scholar in residence at the American Enterprise Institute, a Washington think tank, calls for a radical shift away from the use of foster homes. "Sometimes foster care is good for kids. It's essential that foster care be available when the parents are beating the child. And sometimes they get a good home, where they get a lot of love and stability for several years," Mr. Besharov says. But, he adds, "we just don't deliver that product very often."

Doing everything possible to keep children at home even in troubled families is a goal that at least one foster youth endorses. Says Frederick Martin: "If I did have a baby, I would keep it with me. I wouldn't let nobody else raise it."

Abuse in the Name of Protecting Children

Don't touch that child. Don't work with children. Never be alone with a child. You have to look at every child who comes through the door as a potential threat.

WORDS SUCH as these come from victims of current child abuse laws in the U.S. — parents, foster parents, teachers, physicians, members of the clergy, and others who have been falsely accused of mistreating children.

Many Americans applauded when laws were enacted to protect children from physical, emotional, and sexual abuse. I was one of them, having worked with emotionally disturbed children, many of whom had been victims of such abuse. Clearly, the intent of these laws was good.

Just as clearly, however, the consequences have been disastrous. The laws and the enforcement procedures related to child abuse too often deny human and constitutional rights to both the accused and the alleged victim. Indeed, observers have likened the climate created by these laws to that of Salem during the witch hunts, to that of Nazi Germany in 1939, or to that of the McCarthy era in the 1950s.

In the U.S. in 1985, reported cases of suspected child abuse totaled 1.7 million.¹ Of the reports involving sexual abuse, 80% were later determined to have been unfounded — up from 40% just five years earlier.² Half of the substantiated cases of child abuse involved neglect, not other types of abuse; only 7% of the substantiated cases involved

The laws and the enforcement procedures related to child abuse too often deny human and constitutional rights to both the accused and the alleged victim, says Mr. Emans. Our child protection system needs close public scrutiny.

BY ROBERT L. EMANS

sexual abuse.³ Accusations of child abuse bring suffering and distress to everyone involved. It has been estimated, for example, that as many as 80% of those who are falsely accused of child abuse lose their jobs or suffer other employment problems.⁴ Hundreds of people have had to undergo traumatic investigations to establish their innocence; others have had to take part in corrective activities for things they did not do. Individuals falsely accused of child abuse have been psychologically scarred, and their reputations have been severely tarnished. Whole families have been destroyed.

Even when cleared of such charges, parents may lose custody of their offspring, and individuals who work with children may be permanently listed in police records as possible child abusers. Meanwhile, the alleged victims themselves may be stripped, searched, or otherwise subjected to intensive physical and psychological examinations. During an interview on the television news program, "Nightline," for example, a pediatrician employed by a county protection service said, "I actually put my finger in a little girl's vagina, and I asked her, 'Is this what they did to you, and do you think it went in that far, and did it bleed?'"⁵

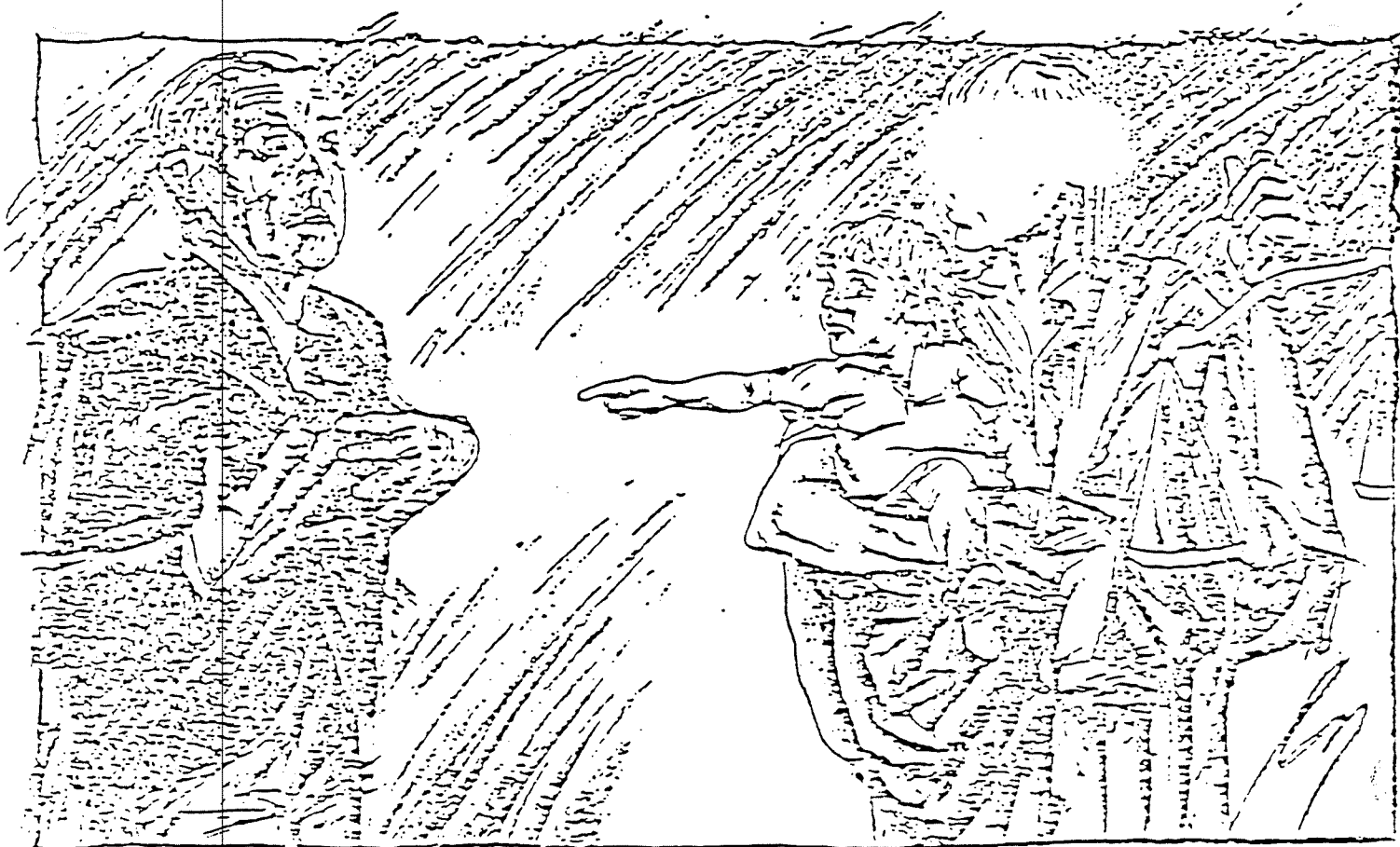
The problem is that laws governing due process are too often misunderstood or ignored. Accusers enjoy complete anonymity and full legal protection. Standard rules of evidence are frequently disregarded. Often, individuals accused of child abuse are presumed to be guilty until they can establish their innocence. Many officials would argue, however, that saving just one child from abuse justifies the wholesale denial of human and civil rights to those who are accused.

Anyone — even someone who is emotionally disturbed — can accuse another individual of child abuse at any time. In deed, it can be a crime *not* to report a suspected case of child abuse, and social workers and law enforcement officers can be sued for failing to investigate such reports.

Consequently, people have been accused of child abuse as a result of reporting a missing child; hugging or kissing a child; having a child who is reluctant to participate in sports; speaking out in defense of a neighbor or a relative falsely accused of child abuse; complaining about a social worker; declining to submit to counseling; changing a diaper; or having a child who knows the names of bodily parts. Similarly, a drama director who failed to cast a certain child in particular play, a teacher who gave lo-

ROBERT L. EMANS (University of South Dakota Chapter) is dean of the School of Education, University of South Dakota, Vermillion.

5-25



grades, a father who photographed his child in the shower, and physicians and dentists who provided normal examinations and treatments have faced such accusations.

The officials who investigate cases of suspected child abuse often have limited knowledge of children. Moreover, the procedures these officials use frequently lack reliability or validity.

The use of anatomically correct dolls to investigate cases involving the sexual abuse of children is a case in point. No study has ever demonstrated that such dolls produce reliable and valid evidence. Indeed, conducting such a study would be virtually impossible, since the subjects would have to include children who had never been sexually abused — and subjecting children to such research may itself constitute sexual abuse.⁶ Moreover, the use of anatomically correct dolls as investigatory tools has never been shown to meet the basic procedural requirements established by psychological science.⁷ Dr. Ronald Gabriel, a professor of psychiatry at the University of Saskatchewan and a practicing child psychiatrist, has noted:

Many persons working in the child protection field . . . do not know about the projection-evoking properties of

toys. The result has been that material produced . . . can appear to confirm suspicions of sexual abuse when it may actually be no more than a normal reaction of a child to the dolls and the situation. . . . [T]he suspect will almost always be found "guilty."⁸

DO CHILDREN LIE?

For generations, children were thought to be incapable of reporting what really happened to them. But the current view is that, since normal children are sexually inexperienced, every sexual experience they report must actually have taken place. This argument ignores the realities of child growth and development, however.

The work of Jean Piaget suggests that children do not discriminate between thoughts and the things thought of, between episodes of play and real-world events. They do not remember the origins of their knowledge, and they often mistake memories of dreams for memories of actual events. Children are not able to fully differentiate between internal thoughts and external happenings until about age 11.

People who maintain that children never fabricate with regard to sexual experiences are deluding themselves. Vengeful or disturbed adults can manipu-

late children into believing that they have been sexually abused when that has not been the case. Questioning by adults whom they fear and wish to please can induce children to "lie," having done so, the children come to believe what they have said. After prolonged questioning by investigators, children often confuse fact and fantasy. When adults already (and often too willingly) believe that sexual abuse has occurred, they often deal with the alleged victims in ways that heighten the suggestibility of these children.⁹

The situation has been further confused by what has come to be known as the "child sexual abuse accommodation syndrome."¹⁰ Derived from cases of incest in intact families, the syndrome includes such behaviors on the part of the victim as secretiveness and helplessness. But children who have not been sexually abused often display these same behaviors, and the syndrome has never been scientifically validated.¹¹ Yet investigators continue to use the syndrome to corroborate children's statements about having been sexually abused.

Even the polygraph (or lie detector) is biased against innocent suspects who tell the truth. An innocent suspect who distrusts the polygraph test is likely to fail it. Studies have shown that failed poly-

graph tests are less accurate than polygraph tests that are passed. Yet juries are more likely to accept the results of a polygraph test if the suspect fails it than if the suspect passes it. After 30 years of studying the polygraph, David Lykken, a scientist with no vested interest in the instrument, has concluded that "the assumptions of the polygraph test are implausible and the evidence for its validity is weak."¹⁵

THE CHILD ABUSE INDUSTRY

Accusations involving child abuse used to be handled responsibly by established legal and family support agencies. Today the government has established a quasi-independent investigatory system for such cases that functions at taxpayers' expense. Not uncommonly today, child protection workers are women who consider themselves to be — or to have been — victims of abuse.¹⁶ LeRoy Schultz studied child protection workers recently and concluded that they tend to be "errighteous, unwilling to admit mistakes, reluctant to state, naive about children, willing to use hearsay evidence, likely to conduct one-sided investigations, and blind to contradictory evidence."¹⁷ Ellen Anderson found therapists to be addicted to power and often involved in a conflict of interest between their professional and their personal responsibilities.¹⁸ Writing for the Boston Globe in 1983, Jill Newberger also had some disturbing

views on child protection workers. He said that "many of these individuals seem to take pleasure in inflicting pain on children, to derive personal excitement and titillation from the stories of their suffering, and to relish the lively interest of opposing counsel, jurors, and their peers."¹⁹

Large national organizations, though they mean well, sometimes contribute to the injustices. For example, in a 1985 statistical report on child abuse and neglect, the American Humane Association stated, "While some 'unsubstantiated' reports are in fact false, an 'unsubstantiated' case does not necessarily mean that the child was not abused or neglected or that someone was falsely accused of abuse or neglect." The report fails to point out, however, that a "substantiated" case may also be false. These officials forgive their own mistakes. They also ignore the fact that "unsubstantiated" cases involving innocent individuals can have disastrous effects on those individuals' lives.

Dr. Domeena Renshaw, a professor of psychiatry and director of the Sexual Dysfunction Clinic at Loyola University of Chicago, believes that far fewer children have actually been sexually abused than the number of reported cases suggests.¹⁷ Douglas Besharov, the former director of the National Center on Child Abuse and Neglect, concurs.¹⁸ Richard Wexler maintains that child protection workers are often determined to find evidence of wrongdoing in order to make themselves look good.¹⁹ For example, promotions are sometimes given to police officers who have a good record of convictions.²⁰ Meanwhile, the Berean League has pointed out that social workers "must find (or conjure) enough evidence to support their action" in cases of child abuse.²¹ Predictably, when observers question the astonishing number of reported cases of child abuse, child protection workers commonly respond with pleas for more funds, more staff, better reporting campaigns, and greater authority over families and child-care workers, including teachers.

Even with increased funding, however, investigations of child abuse would be woefully inadequate. Investigators are often insufficiently regulated, and they tend to lack knowledge of child development and training in the procedures of conducting psychological evaluations. They often inject into reports their own personal opinions. Yet they often have enough

influence to convince a judge to issue a warrant for an individual's arrest — thereby causing that person's name to be placed on police records as a suspected child abuser.

Investigators will excuse themselves for inadequate investigations, because supervisors are supposed to review their work. But the reviews by supervisors are seldom thorough, thanks to heavy workloads and the desire of supervisors to support the actions of their subordinates.

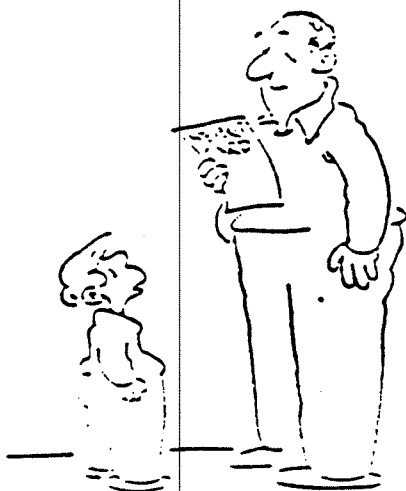
Going to court is a costly and distressing process. Yet this is often the only way for individuals accused of child abuse to prove their innocence. For the falsely accused, however, going to court has many risks. Attorneys and judges assume that the accused is guilty much more frequently in cases involving child abuse than in other kinds of criminal cases, including those involving murder.²² Since getting a fair trial is very difficult, individuals falsely accused of child abuse are often advised to plead guilty and to accept counseling or other remediation offered by members of the same child protection industry that has falsely accused them.

WHAT CAN BE DONE?

School administrators, teachers, parents, and other potential victims of child abuse laws can take a number of steps to protect themselves. First, they must squarely face the possibility of a false accusation. Should such an event occur, the accused — though innocent — should consider himself or herself in serious trouble, hire an attorney immediately, and make no statement to anyone unless the attorney is present.

The accused should document everything and should not be fooled into thinking that the child protection workers are merely attempting to solicit his or her professional help as part of a preliminary investigation. Those workers are trying to build a case. By the same token, the accused should not offend the child protection workers, because they have the upper hand. Meanwhile, colleagues and acquaintances of the accused should operate on the assumption that the accused person is innocent until proven guilty.

Happily, an increasing number of people are familiar with the problems I have pointed out here, and they are attempting to change the system. Therefore, an individual who is accused of child abuse should immediately report to an appropriate official in the child protection system



PHILIP

"I must have an intelligence leak."

any investigator whose attitude seems unreasonable or whose procedure seems questionable.

Individuals who are falsely accused of child abuse — as well as their colleagues and friends — should be willing to go to court. The time has come to hold child protection workers legally and financially responsible for their actions. Of late, the courts have been finding more child protection workers liable for conducting substandard investigations and ignoring the rights of the accused. As Schultz has noted, the threat of a lawsuit, a charge of malpractice, or revocation of a child protection worker's license to practice "may be our last resort."¹

Meanwhile, school personnel should actively endeavor to improve the child protection system, not only for the benefit of abused children but also for the benefit of adults who have been falsely accused of such wrongdoing. The laws related to child abuse and neglect should be rewritten to define "abuse" more clearly, to guarantee due process for accused individuals, to establish rules of evidence that better protect the innocent, to hold those who falsely accuse others legally accountable, and to establish legal processes that would enable accused individuals to afford a reasonable defense. Publicity campaigns should emphasize what *should* be reported as potential child abuse — and also what *should not*. The motives of accusers should be evaluated carefully.

Inadequately trained child protection workers must be stripped of their power through stricter professional standards. The personal opinions of child protection workers should be expunged from oral or written reports. Unless a worker has formal training in the area, he or she should not be allowed to make any statement that implies expertise in psychology or psychiatry.

Child protection workers should be required to turn in well-documented reports. Hearsay evidence should not be permitted, and all interviews should be videotaped to insure that the information was not obtained through improper interviewing techniques. Child protection workers should be held accountable for their actions, and they should be immediately supervised by individuals who are knowledgeable regarding child development.

The repeated use of certain "experts," who have developed reputations for getting convictions, should be discontinued.

As things now stand, it is easy to be against child abuse but very difficult to defend those who are accused of this crime.

Child protection workers rely too much on the testimony of such individuals, instead of conducting thorough investigations on their own.

Processes should be developed for correcting or removing information from an individual's record when that information cannot be established as fact. Statistical reports should be accurate and honest. If child protection teams have been established, their membership and their procedures should be open to public scrutiny. Leaders in a variety of arenas — political, educational, governmental, medical, religious, legal, and so on — must assume responsibility for dealing with the problems that have been created by the current laws on child abuse.

As things now stand, it is easy to be against child abuse but very difficult to defend those who are accused of this crime. Unless something is done to correct this situation, our entire system for protecting children from abuse will falter and our child-care institutions — and the people working in them — will remain in jeopardy. The child protection system must come under close public scrutiny. The goal is to keep the system honest, to resist media-generated hysteria, and to protect the innocent — *both* children and adults.*

*For more information, contact the VOCAL National Office, P.O. Box 11335, Minneapolis, MN 55411. Ph. 612/521-9714.

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Local briefs

Mother guilty of sodomy with son

A former Overland Park woman was convicted Thursday of aggravated criminal sodomy involving sexual activity with her 4-year-old son.

Elisa Cosgrove, 30, who now lives in Kansas City, Mo., was convicted following a three-day trial in Johnson County District Court. The jury deliberated about three hours before reaching its verdict.

Cosgrove, who testified at the trial, broke down in tears when the verdict was announced. Her son, who is now six, also testified at the trial. The boy and another of Cosgrove's children have been placed in a foster home.

Cosgrove has been active in child sexual abuse groups and was a key organizer of several small demonstrations at the Johnson County Courthouse within the past few weeks.

Johnson County District Judge Robert Jones set post-trial motions for 9 a.m. May 30.

Cosgrove remains free on bond, according to Rick Guinn, an assistant district attorney who prosecuted the case.

Man sentenced in robbery

A 34-year-old man who was shot by Overland Park police during a restaurant robbery last December pleaded guilty Thursday to three class B felonies.

Under extremely tight security, Randy Killingsworth pleaded guilty in Johnson County District Court to two counts of kidnapping and one count of aggravated robbery.

In exchange for his pleas, Johnson County prosecutors agreed to drop seven other felony charges

relating to the robbery at the Red Lobster, Overland Park.

District Judge Gerald Houglund will sentence Killingsworth on the three felonies at a hearing at 9:15 a.m. June 13.

He could be sentenced to 5-years-to-life in prison on each of the three felonies. He will be required to serve at least the minimum sentence because he used a handgun during the robbery.

Investigators are also looking at the possibility Killingsworth may be responsible for several other armed robberies in the area prior to his arrest last December.

He has remained in the Johnson County Jail since his arrest on the robbery charges.

Cockatiel returned to KSD dorm

Tucker, a cockatiel that escaped from the Kansas School for the Deaf's Emery Hall Tuesday morning, is home again, thanks to Christopher Whitaker, Olathe.

Not long after Tucker escaped, Whitaker was in his yard, just north of Olathe, when he heard a disturbance in the trees. Starlings were harrasing Tucker, who had wandered nearly a mile from his home. Whitaker chased the other birds away and held out his hand. Tucker flew down and perched on Whitaker's head, instead.

The Whitakers took the bird inside and placed a classified ad in Thursday's *Olathe Daily News*. When they read Thursday's paper, they also saw a brief news article telling of Tucker's flight. They called Emery Hall, and soon a busload of children and their teacher arrived to take Tucker home.

Foe of child abuse law convicted of sodomy

A 30-year-old Raytown woman who heads a local group critical of child abuse laws was found guilty Thursday by a Johnson County jury of aggravated sodomy on a 4-year-old boy, an assistant district attorney said.

The defendant, Elisa Cosgrove, who heads Victims of Child Abuse Laws, faces a minimum sentence of five years and a maximum sentence of life in prison and a \$15,000 fine, said Assistant District Attorney Richard G. Guinn.

Mrs. Cosgrove's sentencing will be scheduled after post-trial motions May 30 by her attorneys, Mr. Guinn said. The abuse occurred in February and March 1984 when Mrs. Cosgrove was living in Merriam, Mr. Guinn said.

New trial granted in child abuse case

By ANDY HOFFMAN

Daily News Reporter

A woman convicted in Johnson County District Court last May of sodomizing her four-year-old son was granted a new trial Wednesday.

Citing an "accumulation of errors" in the original trial, District Judge Robert Jones granted Elisa Cosgrove a new trial on the aggravated criminal sodomy charges. The charge is a class B felony.

At the core of Cosgrove's claim for a new trial was her contention that she did not receive adequate legal representation from her attorney, David R. Gilman, Overland Park.

Cosgrove, 30, Raytown, Mo., was convicted May 8 following a three-day jury trial in Jones' court. A few days after her conviction, Cosgrove fired Gilman and hired Edward Byrne, an Olathe attorney.

Byrne filed several motions seeking a new trial, based in part, on the claim Cosgrove was "deprived of effective legal counsel" during the trial.

During a three-hour hearing Wednesday, Byrne called several witnesses including Cosgrove, Gilman and another attorney, Micheline Burger.

Cosgrove testified she repeatedly asked Gilman to call several witnesses, including a psychiatrist and psychologist, but that he refused to do so.

Burger testified she thought Gilman was a good trial lawyer, but that he did not pay enough attention to the details of Cosgrove's complicated trial. Burger said she also warned Cosgrove prior to the trial about hiring Gilman. Burger said she was present during portions of Cosgrove's trial and questioned some of Gilman's trial tactics.

(Continued to page 2)

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New trial granted in child abuse case

(Continued from page 1)

Burger represents Cosgrove in all matters unrelated to the criminal charges, she testified.

Gilman could not be reached Wednesday for comment on the decision.

In announcing his decision, Jones did not specifically address Cosgrove's argument of ineffective legal counsel.

"The court finds there has been an accumulation of errors which, in the interest of justice, requires a new trial," Jones said.

Byrne said he was "pleased with the verdict" and was preparing for a new trial. The case was moved on Jones' trial docket for May 13.

Cosgrove, who was a key orga-

nizer of several small demonstrations at the Johnson County Courthouse last spring in connection with child abuse laws, was charged in June 1985 with sodomizing her son. He testified at the trial.

Cosgrove's former husband, Charles Cosgrove, was convicted in Johnson County District Court several months ago of the sexual abuse of his niece and is serving a 3-10 prison term at the Kansas State Penitentiary in Lansing.

Cosgrove's son, who is now six, and her other child, have been placed in a foster home.

Gilman could not be reached for comment on Jones' decision.

Cosgrove remains free on bond.

Area news

Accused child abusers fight back

Group helps change laws, counter false reports

By Kate Miller
staff writer

The shame and the pain of being accused of child abuse hurt Kathy Heck. But what really tore her up was the bumper sticker that asked, "Have you hugged your kids today?"

"How can you hug your kids when you don't even know where they are?" asked Heck, 33, of Olathe.

Heck said she was falsely accused of child abuse and thus became embroiled in a protracted custody fight.

Last year, she and others who also say they have been falsely accused of child abuse banded together to form a local chapter of Victims of Child Abuse Laws, or VOCAL.

VOCAL members contend that estranged spouses or angry children sometimes file false abuse reports, so the members lobby for safeguards against false reports, more complete documentation of alleged abuses and more and better training of social workers.

They also are seeking more clearly defined child abuse laws that protect parents as well as children.

They have had some success in state legislatures throughout the country, including Kansas and Missouri.

The members' stories, told at a meeting last week at the Plaza branch of the Kansas City Public Library, had similar themes—but only Heck's had a happy ending.

Last year, a Johnson County District Court judge granted her custody of her three children.

"I come here to give everyone

hope, to show them they can get their kids back," Heck said.

VOCAL, founded in 1984 in Minnesota, has more than 70 chapters, including one in St. Louis and Kansas chapters in Hutchinson, Hays and Newton, officials said.

As members of the Kansas City chapter laid the groundwork last week for lobbying forays to Jefferson City and Topeka, anger was as apparent as the caring and sharing. Most of those attending refused to be identified because of pending civil or criminal trials.

"I'm not ashamed of what I'm accused of—I'm outraged," said a 31-year-old Raytown woman, who is awaiting trial on charges that she sexually abused her 4-year-old son.

VOCAL members described the pain of not being able to see or talk to their children, some for more than a year.

One prosecutor says that's the way it should be.

"From my perspective, the police and this office bend over backwards to only bring charges against the people we believe committed crimes," said Dennis Moore, the Johnson County district attorney.

Moore acknowledged that mistakes are made, but said they are rare. "As cases are brought to the criminal justice system, some people will complain without justification that they have been wrongly accused," he said. "I see those people all the time."

VOCAL members know they face a disbelieving public. Many said friends, neighbors and co-workers shunned them after learning of the suspected abuse.

"I lost a lot of friends. It made me feel dirty and bad, when I

hadn't done anything," said a 33-year-old Blue Springs woman, who was labeled an abuser by social workers after she spanked her son with a wooden paddle.

Sometimes, Heck said, she receives telephone calls from people who admit to abuse and want help in clearing themselves of criminal charges.

"I tell them, 'I hope you're prosecuted,'" Heck said.

VOCAL members claim some credit for recent changes mandated by the Missouri General Assembly and Kansas Legislature.

Last year, Missouri adopted a bill changing the Division of Family Services' investigative procedures. The bill requires the division to distribute handbills informing suspected abusers of their rights and explaining the investigative process, and to record all calls to the abuse hot line.

In Kansas, the Department of Social and Rehabilitation Services has had to write new regulations governing its registry of alleged child abusers after Attorney General Robert Stephan said it violated due process.

The registry often labeled persons as abusers without notifying them of the decision and without filing a criminal charge. The new procedure requires proper notice and establishes an appeals process.

Meanwhile, VOCAL's efforts continue.

At the group's meeting last week, members decided to petition Missouri officials for a grievance board for accused abusers.

Their other goal for Kansas and Missouri is mandatory arbitration for people in custody disputes.

5 Kansans Get Chance to Chat With Governor

By Ramona Jones
Of Our Topeka Bureau

TOPEKA — Helen Uman of Kansas City had a few things to tell Gov. Mike Hayden about the way a state agency treats her grandchildren, who are in foster care.

"It's really horrible," she said. "Grandparents have no rights to visit their grandchildren."

Uman's grandchildren were placed in foster care by the Kansas Department of Social and Rehabilitation Services, and she wanted Hayden to look into the problem.

Uman was one of 45 people who came

sleeves, sipping on a soft drink, Hayden flipped through a notebook filled with names and problems that he'd been scribbling down during the sessions.

"We had several state employees," he said. "Their problems varied. One was concerned about the freeze in hiring in the corrections department. She said her unit is already overworked and asked if those vacancies couldn't be filled."

A couple of people were looking for jobs, Hayden said. Some others supported cuts in state spending Hayden and the Legislature are working on.

"One felt we were spending too much

to the Capitol Monday to chat with Hayden during his second "Tell the Governor" program. Hayden spent four hours talking to people about their jobs or lack of jobs, state spending, education, performance of state agencies or recreational facilities.

"He didn't comment on anything," said Kathy Heck of Olathe, who also came to Topeka to talk to Hayden about SRS. "But he's been given a lot of information he didn't have before."

Hayden said the five-minute visits give him a chance to know what people out in the state are concerned about. Unlike his first "Tell the Governor" program on a

on elementary and secondary education," Hayden said.

She suggested students who ride buses be charged a fee, Hayden said, just as students are charged for lunches they buy in the school cafeterias.

About 20 of Hayden's visitors, including Uman and Heck, were with a group called VOCAL — Victims of Child Abuse Laws.

Several members of the group said they told Hayden about abuse their children had suffered in foster care and problems SRS allegations had caused the parents.

"Once people are labeled child

● HAYDEN, 4D, Col. 1

snowy day in February when most visitors were from Topeka, this session attracted people from across the state.

The next session will be in Wichita in June, said Hayden's press secretary Kathy Peterson, although the exact date and location have not been chosen.

"The beauty of these sessions," Hayden said, "is that, except for the rare cases these people are not lobbyists. They talk to you in a personal way. They may represent a particular group, but they're not doing it as professionals. They're doing it unsolicited. It gives you a great sense of what the man on the street is feeling."

Sitting behind his desk in his shirt

Governor's Door Open For 4 Hours

abusers," said Elisa Cosgrove of Kansas City, who currently is facing trial on child abuse charges, "to try to prove your innocence is virtually impossible."

Cosgrove said Hayden listened to all the group's problems.

"For Gov. Hayden to allow the whole state to talk to him," she said, "I think he's really concerned about what people are saying. I think something will get done."

Hayden said he doesn't promise anybody anything, but he assigns staff members to check into the problems.

Some came to talk about particular legislation. Larry Ross of Wichita wanted to know if anything could be done to move a bill on bicycle traffic regulations out of committee.

Jayne Garcia of Topeka wanted to talk to him about funding cuts in the Low Income Energy Assistance Program.

And four Washburn law students just wanted a picture with Hayden for a special presentation.

"We have a faculty roast at the end of the week," said Carol Bell.

And Hayden played along. S-32

Eagle Beacon April 14/87

Abuse Meeting Gets Unexpected Visitors

By Lisha Gayle
Of the Post-Dispatch Staff

A state-sponsored conference on preventing child abuse was infiltrated last week by some unexpected guests.

Their remarks peppered the usual conference fare with mistrust — and sometimes hostility — toward the chief host, the Missouri Division of Family Services. The division is a primary investigator of child-abuse complaints.

The unexpected guests — numbering about 20 — were advocates for adults who say they have been falsely accused of abusing children. The conference drew about 800 people and was held at the Holiday Inn Executive Center in Columbia.

At a session Wednesday morning, Rep. Kaye Steinmetz, D-Florissant, ended her speech with a warning about an "alarming" trend.

"In Missouri, there's now a growing movement of people who would remove the child abuse reporting law," Steinmetz said.

She mentioned a group called VOCAL — Victims of Child Abuse Laws — and said, "Some of those people have been harmed by the system and have truly been hurt. Others believe that children are the property of parents, who can do as they see fit."

Almost immediately, a woman standing in the back of the room raised her hand and objected to Steinmetz's characterization of VOCAL. Elisa M. Cosgrove of Kansas City, a VOCAL member, said her group didn't want to eliminate child abuse laws — only to stand up for the rights of people who are falsely accused.

Steinmetz apologized, saying that she had met Cosgrove and believed that Cosgrove truly cared about protecting abused children. But Steinmetz added that she had recently got some hate mail that she suspected was from someone associated with VOCAL.

The exchange between Steinmetz and Cosgrove was tame compared to descriptions of what had happened at a session Tuesday afternoon.

An unidentified man — described as a "heckler" — videotaped the session and asked "belligerent" questions afterward, participants said. The man identified himself as one who had been falsely accused of child

To avoid an uglier scene, the session abruptly adjourned.

In an interview, Cosgrove said the man with the video camera wasn't a member of VOCAL. She said that she was sympathetic to his plight but that she abhorred his tactics.

Cosgrove and the unknown man were among about 20 people at the conference whose sympathies lie with adults who are falsely accused, said Terry Gannon, who heads the St. Louis chapter of VOCAL. Of the 20, about 15 were members of VOCAL, Gannon said.

A few eruptions of hostility at the conference may have been inevitable.

On one side were social workers for private agencies, social workers for the Division of Family Services, prosecuting attorneys and hospital authorities. Many of them spend their careers dealing with horrors such as an infant's fractured ribs or a second-grader's torn genitals.

On the other side were people from various backgrounds who exchanged stories about vengeful women who smear their ex-husbands with false accusations or about teen-agers who accuse their parents of abuse just to "get even" for refusing to yield the car keys.

The children's advocates "think they're doing the right thing," Cosgrove said, "but they believe everyone who's accused of being a child abuser really is one. And they're going to prove it, no matter what."

Members of VOCAL may cite case after case of false accusations that tarnish reputations and tear apart families. But a leading official in the Division of Family Services said, "We frequently have a very different story to tell than you hear from the quote-representatives-unquote from VOCAL."

The official, Melody A. Emmert, said she was frustrated because the division cannot refute allegations VOCAL makes in specific cases. Law requires that the cases be kept confidential.

VOCAL appears to have become a focus for criticism by children's advocates. Yet — as the man with the video camera showed — not all attacks on the current system can be traced to VOCAL.



Rep. Kaye Steinmetz
"A growing movement"

Steinmetz — one of the Legislature's outspoken advocates for children's rights — said she was unable to determine the source of the hate mail she got.

A letter, postmarked April 7, referred to "the whores of Missouri's child abuse industry" who make money from state agencies that investigate sexual abuse of children. Steinmetz said that the letter had implied that she was "a state pimp" — one who is blind to the anguish of adults who are falsely accused.

Cosgrove said VOCAL had printed no such letter. In an interview, she said she had felt slandered by Steinmetz's remark and was grateful that the legislator had apologized.

Although VOCAL members might not be the only ones speaking out for the rights of the falsely accused, the group appears to be the only organized advocate. VOCAL came to Missouri about a year ago and has started at least four chapters, Cosgrove said.

She said that one of the most active chapters is in St. Louis. Gannon, the local chapter head, said the group had been meeting about once a month at her home in north St. Louis County. Typically, the meetings draw about 20 members, but Gannon said that she has a mailing list of more than 50 people.

Gannon said that VOCAL acted as a "support group" for people who are distraught by allegations against them. The group also works for changes in the law to bolster the rights of the falsely accused, she said.

Probably the most frequent target of the group's criticism is the Division of Family Services. The division sponsors the child abuse hot line — a toll-free phone number to dial when reporting abuse.

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Dispatch Staff
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stimony was very disturb-
metz said. "We heard over
again that we weren't doing
or the families to get them



back together successfully."
Reuniting families should be the
state's main goal in many child abuse
cases, she said.

"The very best child welfare is
good family welfare," she said.

Steinmetz made the remarks in a
speech to a state-sponsored confer-
ence on preventing child abuse. The
conference ended Wednesday.

Providing good services to families
is cost-effective in the long run, Stein-
metz said.

"If we can treat families and pre-
serve the family unit, we can avoid
long-term foster care and long-term
residential care" for children, she
said.

Steinmetz asked her audience to
work to pass two bills that are pend-
ing before the Legislature.

"The bills that become laws in
Missouri are the ones that legislators
hear about (the need for) most of-
ten," she said.

One of the bills would require
agencies serving children to develop
a long-term plan for each child. Cur-
rently, planning often leaves out im-
portant professionals, such as teach-
ers and psychologists, Steinmetz said.

"The more people involved in the
planning, the more likely you are to
have a good plan," she said.

That bill would also require train-
ing for foster parents and would pro-
vide care for children while foster
parents get away for brief periods. In
addition, the bill would give juvenile
court judges the power to order spe-
cific treatment for abused children.

The bill would cost the state \$16
million, Steinmetz said. Although the
bill is cost-effective, its price tag
makes it unlikely to pass, she added.

On the other hand, the second bill
she is supporting will probably pass,
she said. It would cost the state
\$250,000, Steinmetz said.

That bill would allow the testimony

of child abuse victims to be
taped for hearings in juvenile c
Currently, such testimony is al-
only at hearings in criminal cou-

The bill would also require
court action on cases invc
abused children. And the bill
give judges the power to issue p
tative orders for children, mu
judges can now issue protecti
orders to stop adult abuse.

Steinmetz was critical of ho
state operates under existing la-

"Currently, children are goi
treated because of budget fre
she said. "Within the immeda
ture, the state of Missouri wil
itself in a lawsuit, and I think v
lose — and I pray that we will
she said.

She said that when the state
on the responsibilities of a par
should provide the services r
mended, rather than just puttin
dren on a waiting list.

Region

Expert Stresses Efforts To Prevent Child Abuse

By Lisha Gayle
Of the Post-Dispatch Staff

If professionals working with child
abuse concentrate all their efforts on
treating the abused children, the
abuse will never stop, a national ex-
pert said Monday.

Anne Harris Cohn, executive direc-
tor of the National Committee for
Prevention of Child Abuse, called on
nearly 800 social workers to become
"change agents" willing to devote
some of their time and skills to pre-
venting child abuse so that some day
they would have fewer abused child-
ren to treat.

Cohn compared treating abused
children to pulling babies, one by
one, out of the Mississippi River and
breathing them back to life.

Saving the babies is an admirable
and necessary task, she said.

But "unless some of us go upstream
and find out why those babies are
falling in the river, there's never go-
ing to be an end to the cases that
crowd our caseloads," she said.

Cohn gave the opening address at
Missouri's eighth conference on child
abuse and neglect. The conference is
being held in Columbia, Mo. Cohn's
organization is based in Chicago.

The National Committee for Pre-
vention of Child Abuse has set a goal
of reducing child abuse and neglect
by 20 percent in the next three years,
Cohn said.

Among steps to reach that goal, the
committee wants to end corporal
punishment in all public schools, she
said.

"We ought not allow the physical
punishment of children at school be-
cause it teaches children that hitting
is OK," Cohn said.

She encouraged adults to find oth-
er, more effective measures to discipl-
ine children.

Also in schools, all children should
go through programs teaching them
how to keep from being sexually
abused, Cohn said. Children should
learn how to say no to improper
touching, then tell a trusted adult
what happened, Cohn said.

Some states require sexual abuse
prevention programs in schools, she
said.

To prevent physical abuse of chil-
dren, Cohn said, "we need to blanket
the public with messages" that help
people be better parents.

For example, social workers should
use the press to tell people, "It's not
easy to be a parent and it's OK to seek
help," she said.

Missouri has a "Parental Stress Hot
Line." It is one of the state's efforts to
help parents resist using violence to
discipline their children. The toll-free
number is (800) 367-2543.

The conference will continue
through Wednesday at the Holiday
Inn Executive Center in Columbia.

VOCAL leader to go on trial on child abuse charges

ANDY HOFFMAN

City News Reporter

The Missouri coordinator for Victims Of Child Abuse Laws (VOCAL) will go on trial Monday in Johnson County District Court on charges of sodomizing her 4-year-old son.

Elisa Cosgrove, Raytown, was convicted last May by a 8-woman, 1-man Johnson County jury of aggravated criminal sodomy, but that verdict was set aside and a new trial ordered by District Judge Robert Jones.

Citing an "accumulation of errors" in the original trial, Jones granted the second trial during a

hearing last July. Jones upheld Cosgrove's claim she was "deprived of effective legal counsel" during the original trial. Her attorney was David Gilman.

VOCAL is a national, non-profit organization that supports people they believe have been unjustly accused of child abuse or victimized by the criminal justice system. A spokesman for VOCAL's national office Friday confirmed Cosgrove is the Missouri coordinator.

The 31-year-old Cosgrove is accused of sexually abusing her son, who was then 4, during February and March of 1984. Investigators

say the woman performed oral sex on her son at an apartment in Merriam, according to Richard Guinn, the assistant district attorney prosecuting the case.

Cosgrove has continually denied the charge, claiming her son is simply repeating fictitious stories police and social workers have told him to say. The charges against Cosgrove arose almost 18 months after authorities say the crimes actually occurred.

In a related matter, Cosgrove's parental rights for her two children — the second child is a 11-year-old girl — were permanently severed following a seven-day

trial last fall in Johnson County juvenile court. She is appealing that ruling. The children, who were originally taken out of the home by state officials in April 1984, have remained in foster care.

Her ex-husband, Charles Cosgrove Sr., is serving a 3-to-10 year prison sentence in Lansing for abusing his niece. He was additionally charged with sexually abusing his own daughter, but that charge was dismissed during plea negotiations.

Cosgrove's trial is expected to last at least five days and will pit national experts in the field of

child sexual abuse against each other.

Jones, who will again preside at trial, has already ordered the state of Kansas to pay up to \$5,500 to bring experts to testify on Cosgrove's behalf. Taxpayers will also pay for the state's experts, but that amount has not been revealed by prosecutors.

Jones ordered Cosgrove's witness fees to be paid after ruling she was indigent and did not have the funds to hire the witnesses on her own.

Jones also appointed defense attorney Donna Kaser Manning to represent Cosgrove in the second

trial. Manning is the fifth attorney to represent Cosgrove in the criminal case. She retained the first four attorneys. They were Dennis Mitchell, Sue Ellmaker, Gilman and Edward Byrne, who represented her in the motion for a new trial.

She fired the first three.

Shortly after the new trial was granted, Byrne asked the court to allow him to withdraw. Byrne said "conflicts of a personal nature have arisen" between the two.

Cosgrove, along with her two children and her ex-husband, are scheduled to testify at the trial.

5-35

Area news

Abducted girl still is missing

By The Associated Press

Eureka, Mo.—Missouri authorities maintained a vigil today, hoping a kidnaper would keep his promise to release a teen-age girl he abducted Friday in Eureka, about 30 miles southwest of St. Louis.

More than 12 hours after she called a friend, Kellie Ann Klein,



Kellie Ann Klein
... called friend Sunday

16, was still missing. Kellie, a Eureka High School junior, called a friend about 4:40 p.m. Sunday. She said she was OK and expected to be released soon. Police Chief Michael Wiegand said.

"A lot of people are praying for her," Wiegand said of Kellie. "Just talking to all the other officers, we have to keep a positive attitude. We have a glimmer of light—at least she's alive."

The girl's captor apparently was at her side when she called her friend, said Sgt. James Lee of the Missouri Highway Patrol.

"Apparently, she had talked him into letting her get word back that she was OK and that she would be home soon," Lee said. "We think probably that he (abductor) hung it (phone call) up. That tells us that as of 4:50 p.m. Sunday, she was alive and apparently well."

"We're assuming they're still in the area," Lee said Sunday before the call from Kellie. "The

A flier with a photo of Kellie Ann Klein and a police drawing of her abductor hangs in a convenience store window in Eureka, Mo. Authorities are searching the Eureka area for the 16-year-old and her captor. (Associated Press)

trouble is, no one saw them leave the (theater) parking lot."

A man said by witnesses to resemble the description of Missouri prison escapee John David Brown, recently the object of an intensive manhunt in Missouri, entered the Eureka 6 Cine shortly before it closed Friday night, authorities said.

The man knocked on a cashier's window, displayed a semi-automatic pistol and demanded the receipts, police said. He then herded theater employees to the lobby area and selected Kellie, a concession stand attendant, to accompany him on foot as he left the building with the \$150 he took.

Lee said, however, he doubted the girl's abductor was Brown, who has been at large since escaping three years ago from a

minimum-security prison farm at Fordland, Mo.

"There's a basic resemblance in the composite (police artist's) drawing," Lee said. "Other than that, there's no consistency in the background of how he operates."

The Klein girl's abductor was thought to be the same man, described as about 6 feet tall and weighing 150 to 180 pounds, who minutes before the Friday night theater robbery abducted another teen-ager.

Scott Blumm, 18, of St. Louis told authorities he was abducted by a man who asked him for a ride. Blumm was later forced into the trunk of his car at gunpoint. He slipped his bindings early Saturday and used a golf tee to pick the lock on the abandoned car's trunk, police said.

Second child abuse trial begins

By The Star's staff

Jury selection began this morning in Johnson County District Court for the second trial of a 31-year-old Raytown woman accused of sexually abusing a 4-year-old boy.

Elisa M. Cosgrove was convicted in May of aggravated criminal sodomy in the case, but a judge overturned the verdict because her attorneys failed to present a key witness.

Since charges were filed against her in June 1985, Cosgrove has led the local chapter of Victims of Child Abuse Laws, a national group that attempts to change the ways in which social service agencies investigate and rule on cases where abuse is suspected. The group contends that such agencies often wield their power with little justification.

Cosgrove was accused of sodomizing the boy between February and March 1984, when she was a resident of Merriam. If convicted, she faces a sentence of five years to life in prison.

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VOCAL leader goes on trial

By ANDY HOFFMAN

Daily News Reporter

Eliza Cosgrove is on trial in Johnson County District Court for sexually abusing her 4-year-old son. But, if her defense attorneys have their way, Cosgrove may not be the only one on trial.

In opening statements late Monday, defense attorney Donna Kaiser Manning told the jury she intends to focus much of Cosgrove's trial on techniques used by those who investigated the claims of child abuse — specifically police and social workers.

Manning said Cosgrove has denied the accusations since they were filed in the summer of 1985 and continues to deny them today. Manning said the charges are the result of antagonism that developed between Cosgrove and state authorities during a bitter divorce and subsequent custody battle in 1984.

"Elisa Cosgrove will testify," Manning told the eight-woman, four-man jury. "She will tell you

she has never committed any act of sexual abuse on her son, ever."

But Richard Guinn, the assistant district attorney prosecuting the case, painted a different picture for the jury during his opening statements. He said Cosgrove performed oral sex on the boy and he has the witnesses to prove it.

The 31-year-old Cosgrove, the coordinator for the Missouri chapter of Victims of Child Abuse Laws (VOCAL), was convicted of the crime by a Johnson County jury last July. But that verdict was set aside and a new trial granted because the judge ruled there was an "accumulation of errors" in the first trial.

In a related matter, a Johnson County juvenile court judge permanently severed Cosgrove's parental rights last fall following a seven-day trial. Cosgrove is appealing that decision. Her two children, who are now 11 and 7, have remained in foster care since 1984. Her ex-husband, Charles Sr., is in prison on an unrelated sexual

(Continued to page 2)



Photo by Dave Kaup

Eliza Cosgrove is shown in court Monday.

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VOCAL leader goes on trial on charges of sexual abuse

(Continued from page 1)

abuse charges involving his niece.

The aggravated criminal sodomy charge was filed against Elisa Cosgrove, Guinn said, following an investigation by detectives and social workers. The alleged incident first came to light when a 5-year-old girl, who lived in the same foster home as the boy, said the boy had placed his penis in her mouth and stuck crayons in her rectum.

The girl told her natural mother, who then notified police.

Guinn told the jury in opening statements that the boy explained his actions with the girl by telling authorities that's what his mother used to do to him.

On the witness stand Monday,

the little girl, who is now 6 years old, said she couldn't remember saying that to authorities. She said the boy had stuck crayons inside her body, but refused to describe the other acts.

However, Guinn called the little girl's natural mother to the stand. The woman testified about what her daughter originally told her about the experiences.

"She told me (the boy) told her his mom did nasty things to him and sucked him ...," the woman testified.

The trial, which is expected to last at least five days, will resume at 9 a.m. today before Johnson County District Judge Robert Jones.

Cosgrove remains free on bond.

WYOMING ACCUSED OF SEXUALLY ABUSING BOY TELLS HOW UNLAWFUL

By Andre A. Jackson
Of the Metropolitan Staff

The second trial of a Raytown woman accused of sodomizing a young boy began Monday in Johnson County District Court with the defense's opening statement punctuated by objections by the prosecution.

Elisa Cosgrove was charged in 1985 with aggravated sodomy and was convicted during a trial last May.

A Johnson County District Court judge later ordered a new trial for Cosgrove, citing errors in the first trial.

Cosgrove, who has been active in a local group critical of child abuse laws, is again charged with aggravated sodomy. The alleged abuse of the boy, who was 4 at the time, took place in February and March 1984, prosecutors said.

During his opening statement, Assistant District Attorney Richard G. Guinn said that the abuse came to the attention of authorities after a 3-year-old girl, who had shared a foster home with the boy, told her

mother that the boy had told her of the incident. The boy had been placed in a foster home during his parents' bitter divorce.

The boy had been involved in two sex acts with the girl while at the foster home, Guinn said. At that time, the boy told the girl that Cosgrove had committed one of the acts with him, Guinn said.

During intense questioning by Guinn on Monday, the girl, who is now 6, indicated with the aid of dolls that the boy had sodomized her. She said that she did not remember whether the boy committed the act that Cosgrove is charged with.

The girl's mother, of Trenton,

Mo., testified that the girl had said that Cosgrove "did nasty things with him."

While on the witness stand, the girl said that she did not remember exactly what she told her mother.

Donna Kaser Manning, Cosgrove's attorney, said that she would challenge the validity of testimony by children.

Such a challenge will be based in part on the alleged inability of young children to distinguish fact from fantasy, she said. Manning said defense testimony also would address the theory that children sometimes lie out of a desire to please adults.

During her opening statement, Manning — over numerous objections by Guinn — told the jurors that the boy was severely traumatized by his parents' acrimonious separation and divorce.

She said that several doctors had examined the boy for bowel problems about the time that the alleged

abuse occurred.

"They found no indications of symptoms, no red flags of abuse," Manning said.

She said that the boy was violent and hostile because of the "warlike" divorce.

Manning said that Cosgrove denied ever sexually abusing the boy.

5-39

woman in sex abuse case

By Kate Miller
staff writer

A social worker testified today in Johnson County District Court that a boy she interviewed in 1985 twice implicated a Raytown woman for sexually abusing him when he was 4 years old.

Pam Brooks testified in the trial of Elisa M. Cosgrove, 31, of Raytown, who is charged with aggravated sodomy.

Cosgrove, who leads an area chapter of Victims of Child Abuse Laws, a national group that is critical of child abuse laws, was charged in 1985 and convicted during a trial in May. That verdict was overturned because of errors in the first trial.

Brooks, who worked for the Department of Social and Rehabilitation Services in 1985, interviewed the child three times. In two of those interviews, she said, the boy implicated Cosgrove. Brooks testified, however, that recording equipment malfunctioned during both interviews.

Under cross-examination by defense attorney Donna Manning, Brooks ac-

knowledged that several questions she asked the boy could be considered "leading."

Manning specifically noted questions in which Brooks asked whether the boy remembered certain details of the abuse, without leaving the questions open for him to provide details.

Brooks also said she could not recall making certain statements that Manning contended were in transcripts of the interviews.

Manning has said she will call into question the validity of testimony by children, contending they sometimes lie to please adults.

Assistant District Attorney Richard G. Guinn asked Brooks whether it was unusual that the boy did not talk about the abuse until a year after it allegedly occurred.

"It's not at all unusual for a child to hold something like that inside," Brooks said. "Sometimes they don't say anything until they're adults."

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04-5

Area news

Memory loss feared in child

By Kate Miller
Staff writer

A social worker who handled the case of a boy who allegedly was sodomized testified today in Johnson County District Court that the child's psychologist was concerned that the boy's memory would fade before the trial.

Mary Ann Granger testified in the trial of Elisa M. Cosgrove, 31, of Raytown, who is charged with the aggravated sodomy three years ago of a 4-year-old boy.

The case is being tried for the second time. Cosgrove was convicted in May, but a judge cited trial errors and overturned the verdict.

Cosgrove leads the area chapter of Victims of Child Abuse Laws, a national group that contends adults sometimes are falsely accused of abuse.

Granger was a social worker for the Kansas Department of Social and Rehabilitation Services in 1984 when she first met with the victim, she said. A year later, allegations of sexual abuse arose.

While the boy was in counseling with child psychologist Bill Graham, Granger said, criminal proceedings against Cosgrove were slowly evolving. Granger said Graham once expressed concern that the proceedings were taking too long.

Cosgrove took the stand in her own defense today and Wednesday, testifying that the abuse did not occur. She said the allegations arose during a bitter divorce from Charles Cosgrove, who filed false reports about her.

Charles Cosgrove, who is serving a 3- to 10-year prison sentence on unrelated child abuse charges, has since recanted his allegation.

4/29 Boy testifies that woman abused him several times

By Andre A. Jackson
Of the Metropolitan Staff

A 7-year-old boy told a Johnson County District Court jury on Tuesday that a Raytown woman had sodomized him on several occasions.

The boy testified during the trial of Elisa Cosgrove, who is charged with aggravated sodomy. She is accused of committing a sex act with the boy in February or March 1984, when he was 4 years old.

The boy testified that the woman had sodomized him on several occasions at a house and apartment in Johnson County.

Cosgrove has denied ever sexually abusing the boy.

Cosgrove has been active with an area chapter of a national organization that is critical of child abuse laws. VOCAL, or Victims of Child Abuse Laws, contends that adults are sometimes unjustly charged with child abuse.

The boy admitted that he had been involved in two sex acts with a 3-year-old girl while the two were

staying at a foster home. The boy was in the home because of his parents' acrimonious divorce proceedings.

The boy said that one of the sex acts he performed with the girl had been done to him by Cosgrove.

While on the witness stand, the boy said he had been hostile around the time that he was sexually abused because he had been treated for bowel problems with enemas.

Cosgrove's attorney, Donna Kasser Manning, has indicated that the defense will challenge the validity of child testimony.

Cosgrove was charged with aggravated sodomy in 1985 and was convicted during a trial last May.

That conviction was overturned by District Judge Robert Jones, who also is presiding over the second trial.

Jones ordered the new trial after citing errors in the first one.

The trial recessed about two hours early Tuesday after a juror became ill.

DMW

Child tells of sexual abuse

By ANDY HOFFMAN

Daily News Reporter

A 7-year-old boy Tuesday told a Johnson County jury his mother sexually abused him when he was 4 years old.

The curly-haired child was testifying during the second day of Elisa Cosgrove's trial. The 31-year-old Raytown woman is accused of aggravated criminal sodomy.

During questioning by Richard Guinn, an assistant district attorney, the child said his mother had abused him when they were living in an apartment in Merriam.

Guinn is trying to convince the eight-woman, four-man jury that Cosgrove did abuse her son on several occasions in 1984.

But defense attorney Donna Kaser Manning claims Cosgrove is innocent and the charges are the result of a conspiracy between police, social workers and the foster parents now caring for the child.

The child has lived in the same foster home since 1984 when his parents became involved in a divorce and subsequent custody battle over the two children. Cosgrove's parental rights were permanently severed following a seven-day jury trial in Johnson County District Court last fall. Cosgrove's ex-husband, Charles, is serving a 3-to-10-year prison term on unrelated child abuse

charges involving a niece.

On the witness stand, Guinn asked the boy several questions to determine if he was old enough to know right from wrong and the truth from lies. During that period of questioning, Guinn asked the child if he knew the difference between a natural child and a foster child.

"Yes, I'm a foster child," he said, as Cosgrove's family and friends could be seen wiping tears from their eyes. Elisa Cosgrove showed little emotion during her son's testimony.

The second day of the trial was cut short when a juror became ill. Jones excused the jury at 3 p.m. The trial is expected to resume at 8 a.m. today.

Also called to the witness stand Tuesday was Pam Brooks, a social worker who initially investigated the child abuse charge.

The incidents authorities claim Cosgrove committed occurred in February and March of 1984, but the accusations of child abuse did not surface for more than a year and charges were not filed until the summer of 1985.

During cross-examination by Manning, Brooks said she didn't see any real problem in the lengthy period between the time the crime was alleged to have occurred and the first time the child mentioned it to anyone.

"No, it did not," she said. "It's not at all unusual for a child to

hold that inside and not say anything ... some never say anything until they are adults."

Manning attempted to discredit Brooks' initial questioning of the child by saying Brooks used leading questions to get the child to say his mother committed the sex acts.

Brooks admitted some of the questions were leading, but said the specific information about the sex act was volunteered and not coerced.

Authorities first became aware of the accusations when a small girl who was in foster care with the boy told her mother he had stuck crayons up her body and placed his penis in her mouth.

The girl's mother notified authorities who then interviewed the child.

On the witness stand Tuesday, the child was asked by Guinn if he had done those things to the little girl. When the boy said yes, Guinn asked why.

"Because my mom and dad did it," he said.

The defense claims the boy was constipated and had to have enemas and suppositories. They claim the child was acting out having suppositories administered to him when he placed the crayons in the girl's body.

When the trial resumes today, the boy's foster mother is scheduled to testify.

Cosgrove remains free on bond.

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5-4-2

Doctors testify in child abuse trial

By Kate Miller

staff writer

Two expert witnesses testified today in Johnson County District Court they saw no warning signs of sexual abuse when they treated a boy who was believed to have been repeatedly sodomized by a Raytown woman.

Assistant District Attorney Richard Guinn, however, challenged the testimony, contending that some people repress memories of sexual abuse for years.

Dr. Paul C. Laybourne Jr., a child psychiatrist and professor of psychiatry at the University of Kansas Medical Center, and Dr. Edward R. Christophersen, a professor of pediatrics at the medical center, testified in the trial of Elisa M. Cosgrove, 31.

Cosgrove is accused of sodomizing the boy in February and March 1984, when the boy was 4 years old. She was convicted of

the charge last May, but a judge ordered a new trial because of errors in the first trial.

Cosgrove coordinates an area chapter of Victims of Child Abuse Laws, a national group that contends adults sometimes are falsely accused of child abuse.

Laybourne said he interviewed the boy in 1984 and found no signs of sexual abuse. He said such signs would include "acting out" sexual behavior, reacting negatively to questions about sex or showing a preoccupation with sex.

"Children who are concealing matters such as sexual abuse, they give it away in interviews," Laybourne said.

Christophersen, a child psychologist, treated the boy for a bowel problem in 1984, using a behavior-management program that included suppositories and enemas. Christophersen said he saw the boy in July 1983 and

again in March 1984.

"When you examined him in March 1984, did you see any red flags or indications of sexual abuse?" asked defense attorney Donna Kaser Manning.

"I'd say just the opposite," Christophersen replied.

Under cross-examination, Guinn noted that the abuse allegations arose after the boy "acted out" a sexual incident with a 3-year-old girl in 1985.

Guinn also questioned both witnesses about the limited amount of time they spent with the boy.

Christophersen said his contact with the boy consisted of two 90-minute meetings. Laybourne said he interviewed the boy once for nearly an hour.

Guinn contended the boy could have successfully suppressed the incidents during those interviews.

Cosgrove testifies

(Continued from page 1)

Jones ruled enough evidence had been presented to allow the jury to make the decision.

Cosgrove spent about two hours on the witness stand Wednesday afternoon and will resume testifying when the trial enters its fourth day at 8:30 a.m. today.

During direct examination by Manning, Cosgrove said she often became involved in "heated conflicts" with state social workers for their handling of her children and the state's refusal to return the children to her custody following her divorce.

Cosgrove said she often argued with the psychologist who treated the boy, with her son's foster mother and with various members of the Kansas Social and Rehabilitation Services (SRS) during the last three years.

The defense is claiming the charges against Cosgrove are the result of an effort by police, social workers, the psychologist and the boy's foster parents to keep Cosgrove from ever regaining custody of her children.

Her parental rights were severed by Johnson County juvenile court authorities following a seven-day trial last fall. Her two children, now aged 11 and 7, have been in foster care since 1984.

Cosgrove has already been convicted of the charges by a Johnson County jury, but that verdict was set aside when Jones ruled there was an "accumulation of errors" in the first trial.

The charges were filed in the summer of 1985 after authorities say her son engaged in sexual activities with a 5-year-old girl living in the same foster home. Both children told authorities the boy stuck crayons inside the girl's body and also had her perform oral sex on him.

When authorities asked the boy why he did those things, he told investigators his mother had done that to him.

Cosgrove testified Wednesday

she had been ordered by doctors to give her son enemas and suppositories because of bowel problems. She also said her son's knowledge of sexual activities may have arisen because he saw his parents performing similar acts in their bedroom at home.

"There were a few times when he came in and saw my husband and I in intimate relations — intimate acts," she said, saying she was extremely embarrassed to admit it Wednesday.

Dressed in a cream-colored jacket and printed skirt, Cosgrove's emotions ranged from sadness to anger during the two hours on the witness stand.

Wiping back tears, Cosgrove testified she had a great relationship with her children prior to the divorce and subsequent custody battle with SRS.

"I was my little girl's Sunday school teacher and Brownie leader," she said. "I was a room mother for both of my children."

Also testifying Wednesday was Dr. Bill Graham, the psychologist who has been treating the boy since 1984. Graham conducted the interview of the child when the boy first told authorities about his mother's alleged sexual abuse. Graham is considered a key witness to the state's case.

Manning cross-examined Graham for about two hours Wednesday, spending most of her time concentrating on his qualifications and methods of questioning children involved in sexual abuse.

Manning is expected to call several expert witnesses in the field of child abuse investigations in an attempt to discredit the methods used by Graham.

Graham, who is licensed in Missouri, admitted he handles cases for the state of Kansas despite not being licensed in the state. He first said he came into contact with the Cosgroves when Kansas social workers referred the child to him.

Cosgrove testifies for herself

By ANDY HOFFMAN

Daily News Reporter

Elisa Cosgrove took the witness stand in her own defense Wednesday and denied she sexually abused her son or went "skinny dipping" with him in their backyard pool.

"No, I did not. I swear to God never have," Cosgrove said when asked by her attorney if she had ever performed oral sex on her son.

Cosgrove also denied during cross-examination that she had often swam nude with her son when they lived in the Quail Valley subdivision in Overland Park.

"I have never been skinny dipping with my son, ever," she angrily responded to the question by Richard Guinn, an assistant district attorney.

Her son, who is now 7, testified Tuesday his mother performed oral sex on him several times when he was 4 years old. He also said she often took him swimming nude.

According to testimony at the trial, Cosgrove's ex-husband Charles, also told social worker he had witnessed his wife committing sex acts with his son. He has since recanted his story, saying he lied about it during a bitter custody battle over the children.

Charles Cosgrove, who is serving a 3-to-10 year prison sentence on unrelated child abuse charge involving a niece, is expected to testify for the defense this week.

The 31-year-old Raytown woman is being tried in Johnson County District Court on a charge of aggravated criminal sodomy. The crime is alleged to have occurred between February and March of 1984 while Cosgrove was living with her two children in Merriam apartment.

In a related matter, Johnson County District Judge Robert Jones denied a request from the defense to dismiss the charge against Cosgrove. Donna Kase Manning, Cosgrove's attorney made the motion at the end of the state's case Wednesday morning.

(Continued to page 2)

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5-44 (104)

Ex-husband says he lied about wife

By ANDY HOFFMAN

Daily News Reporter

Elisa Cosgrove's ex-husband testified Thursday he lied to authorities in 1984 when he told them he saw his wife performing oral sex on their infant son.

Charles Cosgrove's testimony came in the fourth day of his ex-wife's trial in Johnson County District Court on charges of aggravated criminal sodomy.

"I was very upset over the divorce and I wanted some way to get back at Elisa," Charles Cosgrove testified. "I called them (authorities involved in the case) in September 1984 and said I had seen her (performing oral sex) on my son when he was in diapers."

During cross examination by Richard Guinn, an assistant Johnson County district attorney, Cosgrove admitted he stayed with his original story for two years, but only changed it last October after he re-established communication with his ex-wife.

The couple were married for 12 years but were divorced in 1984 following a violent and hostile separation and custody battle.

The first time Cosgrove changed his story about the sexual abuse occurred during a trial last October in which Johnson County authorities were trying to permanently sever Mrs. Cosgrove's parental rights. Following the 7-day trial, the district judge permanently denied her access to her two children.

Prosecutors say Charles Cosgrove's accusations of sexual abuse are not directly related to the charges the woman is now facing. Authorities said by the time Cosgrove told authorities in 1984 of the abuse, the two-year statute of limitation had expired.

However, defense attorneys claim his allegation was the springboard that eventually led authorities to charge the woman with sexual abuse.

When Charles Cosgrove made

the sex acts occurred while the boy was still in diapers. Prosecutors say the charges for which Elisa Cosgrove is now on trial occurred in February and March of 1984, when the boy was about 4 years old, but did not come to light until the spring of 1985.

The charges against the woman were filed in July 1985 after the boy asked a 5-year-old female playmate to perform oral sex on him. The little girl told her mother, who notified authorities. When investigators asked him why he had done those things, the boy told them that is what his mother did to him when they lived in Merriam apartment in 1984.

Charles Cosgrove also testified for the first time Thursday the boy had walked into the couple's bedroom on at least two occasions while the couple was involved in intimate sex acts.

The defense claims the boy was simply acting out activities in which he saw his parents involved.

When Guinn asked Cosgrove why he hadn't testified about the acts at several other hearings on the charges, Cosgrove answered that no one had asked him.

During Charles Cosgrove's testimony, two uniformed Johnson County Sheriff's deputies sat in the courtroom. Cosgrove is serving a 3-10 year prison term at the Kansas State Penitentiary in Lansing on unrelated sexual abuse charges involving a niece.

Also testifying Thursday were two psychologists who treated the boy in 1984 and early in 1985. They both testified there were no "red flag indicators" of child abuse but admitted during cross-examination that children can often suppress or hide signs of child abuse for months or years.

If convicted of the charge, a class B felony, Cosgrove could be sentenced to a prison term of 10 years to life.

The trial is to resume 8:30 a.m. before Johnson County District

5-45

Subject of TV movie charged with murder

JUNCTION CITY (UPI) — Lorna Anderson Eldridge, a former church secretary whose purported love affair with her minister scandalized Emporia, Friday was charged with first-degree murder in the shooting of her husband.

The charge came two days before CBS planned to air a two-part movie, *Murder Ordained*, about a tangled web of passion and murder in the otherwise quiet eastern Kansas town of Emporia.

Eldridge, 34, who is serving a prison sentence for plotting to have her first husband, Martin Anderson, slain, was notified of the charge by the director of the prison for women at Lansing, Geary County Sheriff William Deppish said.

Deppish said the murder charge does not necessarily mean Eldridge was the person who actually shot her husband in the head along a dark Geary County road, while their young daughters sat in their nearby van. He said it was "always a possibility" that someone else would be charged in the Nov. 4, 1983, slaying.

The sheriff said the filing of the charges just before the airing of the television movie about the case was coincidental.

When Eldridge was charged with conspiring to kill Anderson, authorities said she was having an affair with the Rev. Thomas Bird, who employed her as his secretary at Faith Lutheran Church in Emporia.

She said a masked gunman emerged from the darkness, robbed her husband of his wallet, shot him and fled.

Eldridge ultimately pleaded guilty to two counts of conspiring to commit first-degree murder, claiming she was a battered wife. She is serving a 5½- to 8-year prison term.

Bird, meanwhile, was convicted of plotting to have Anderson murdered and also of first-degree murder in the July 1983 slaying of his wife, Sandy.

The television movie, starring Keith Carradine and JoBeth Williams, will be scene on CBS and KCTV-5 in two parts, at 8 p.m. Sunday and Tuesday.

Local briefs

Judge refuses to dismiss charges

A motion to dismiss aggravated criminal sodomy charges against Elisa Cosgrove was denied Friday.

Attorneys representing the 31-year-old Cosgrove filed the motion after they had finished presenting their evidence in the case.

Johnson County District Judge Robert Jones denied the request saying there has been "sufficient evidence presented at the trial that would allow persons of reasonable minds" to determine her guilt or innocence. Jones said he would allow the jury to make the

ming oral sex on her then-4-year-old son.

Cosgrove's court-appointed attorney, Donna Kaser Manning, called 12 witnesses to the stand during the five-day trial, including six doctors. Richard Guinn, the assistant district attorney prosecuting the case, has called six witnesses. Guinn is expected to call two more rebuttal witnesses when the trial resumes at 8:30 a.m. Monday.

The jury is expected to begin deliberations in the case late Monday afternoon, court officials

Just the news, not gore

I want to congratulate your newspaper — you have given a new meaning to “in-depth” reporting. Your issue of April 28th, carried two front-page articles regarding the suicide of a 16-year old youth, and an article regarding the molesting of a young boy. I am not a prude, but I certainly feel that the details reported in these articles far exceeded the limits of good taste. I feel no need to know where a young man’s body parts

were found or an explicit account of how a 4-year-old baby was allegedly sodomized. If either of these were my children, this is not information I would want to share with the general public. Leave these details for the ears of the juries and the coroner. News is news, but gore is still in bad taste.

Doris J. Heinen
Overland Park

Woman acquitted of sodomy charge

By Mike Kennedy
Of the Metropolitan Staff

A Raytown woman who has been an outspoken critic of child abuse laws was acquitted Monday in Johnson County District Court of sodomizing a boy.

Elisa M. Cosgrove, 31, had been charged with aggravated sodomy for allegedly committing a sex act with a 4-year-old boy in February or March 1984 when Cosgrove lived in Merriam.

After Judge Robert Jones announced the jury's verdict, Cosgrove's friends and supporters broke into applause, and Cosgrove tearfully embraced her attorney, Donna Kaser Manning.

"I feel like I just got married, it

feels that good," Cosgrove said. "I believe that as long as you believe and you continue to fight for what you believe in, anything is possible."

Cosgrove had been charged in 1985 and was convicted after a trial in May 1986, but Jones threw out the conviction, citing trial errors. For the last two years Cosgrove has led a local chapter of Victims of Child Abuse Laws (VOCAL), a national group that contends that investigations and prosecutions of child abuse cases often trample upon the rights of adults.

The boy, now 7, testified last week that Cosgrove sodomized
See RAYTOWN, B-6, Col. 1

Raytown woman acquitted of sex charge

Continued from Page B-1

him on several occasions. He said that he had been involved in sex acts with a 3-year-old girl while in a foster home. At the time, the boy told the girl that Cosgrove had done one of the same acts with him.

Cosgrove has denied ever abusing the boy. In her defense, Cosgrove and Manning contended that the boy was traumatized by his parents' bitter separation and divorce.

Manning also raised concerns about the "leading" questioning of the boy during the investigation. She said in opening statements that under questioning by adults a child can be convinced that an event that did not take place actually occurred.

"There was just so much doubt on every aspect of this case," Manning said. "We have certainly made some points. I'm so thrilled for Elisa."

After the accusations against her, Cosgrove permanently lost custody

of her two children in a Juvenile Court proceeding. She said after the verdict that she doubted the acquittal would have any effect on that case.

"It will take a miracle to get them back," she said. "I feel it shows the lack of due process. I've shed many tears. I miss my children."

Cosgrove said she would continue to be active in fighting the abuse of child abuse laws.



Elisa Cosgrove embraces her attorney, Donna Kaser Manning, as her other attorney, Donald Smith, looks on after the not-guilty verdict was announced late Monday afternoon.

Photo by Dave Keup

JURORS acquit VOCAL leader

By ANDY HOFFMAN
Daily News Reporter

Elisa Cosgrove was found not guilty Monday of sexually abusing her 4-year-old son.

The eight-woman, four-man jury deliberated about four hours before deciding the 31-year-old Raytown woman had not performed oral sex on her son, as prosecutors had claimed.

It is Cosgrove's second trial on the charges. Last May a Johnson County jury convicted her of the crime, but District Judge Robert Jones set that verdict aside because there was an "accumulation of errors" in the first trial.

When the verdict was announced about 4:45 p.m. Monday, Cosgrove embraced her court-appointed attorney Donna Manning then turned and smiled at several supporters who had attended the trial.

Cosgrove is the Missouri coordinator for Victims Of Child Abuse Laws (VOCAL) and has been active in support of people who believe they have been unjustly accused of child abuse. Several members of that group attended Cosgrove's six-day trial.

As supporters gathered around her in the courtroom, Cosgrove told reporters how she coped with the two-year battle.

"Words can't adequately describe my feelings," a smiling Cosgrove said. "I believe that as long as you believe and continue to fight for what you believe in,

nothing is impossible." Manning was more emotional than Cosgrove. When the verdict was announced Manning turned, embraced Cosgrove and began crying.

"I have never been more emotionally or personally involved in a case," Manning said as her counsel, Donald Smith, looked on. "I am just so thrilled for Elisa. I really admire her."

Johnson County District Attorney Dennis Moore, who has been an advocate in the area of child abuse for several years, issued a prepared statement after the verdict was announced.

"We are disappointed by the jury's verdict, although we believe the jury gave careful consideration to all admissible evidence," Moore said in the statement. "Unfortunately, successful prosecution of a case seldom improves with the passage of time. This alleged incident of sexual abuse took place more than three years ago, in February 1984."

Richard Gulinn, the assistant district attorney who prosecuted the case, could not be reached for comment.

However, Manning was elated with the jury's decision.

"Do I have a comment?" Manning responded to reporters. "I don't know where to start. There was just so much doubt in every aspect of the case."

Manning said she believed the
(Continued to page 3)

Jurors acquit VOCAL leader

(Continued from page 1)
difference between the verdicts in the two trials centered on the witnesses called by the defense. In the first trial, Cosgrove's attorney, David Gilman, did not call any psychologists and experts in the field of child abuse as Manning did in the second trial.

"In the first trial, there wasn't any evidence presented from experts," Manning said.

Throughout the second trial, Manning presented witnesses who questioned the way police, social workers and psychologists con-

ducted the investigation into the case. She accused those people of conspiring against Cosgrove.

During closing arguments Monday, Manning told the jury the state's witnesses were "over zealous" in their investigation and prosecution of the case.

"The misreporting of sexual abuse can happen even when people have the best intentions in the world," Manning said. "They just got over zealous."

Cosgrove said she doubted Monday's verdict would have any impact on a recent Johnson Coun-

ty juvenile court decision to permanently sever her parental rights.

"It will take a miracle for me to get my children back," Cosgrove said, adding the juvenile court's decision "simply shows a lack of due process."

Cosgrove's two children, now ages 11 and 6, have been in foster care since 1984.

Cosgrove was charged with aggravated sodomy in July 1985 after her son, who was then 5 years old, told authorities his mother had performed oral sex on

him about 16 months before.

From the day she was first charged, Cosgrove has maintained her innocence.

Cosgrove's ex-husband, Charles, who testified for her during the trial, is serving a 3-to-10 year prison term on unrelated sex abuse charges.

During the second trial Charles Cosgrove testified he lied in 1984 when he first told authorities she was sexually abusing her son because he wanted to discredit her during their divorce.

6b-5

This photograph is for the exclusive use
in the DAILY NEWS of Johnson Co., Ks. Any



25-5

Woman hails acquittal as a boost for group

By Kate Miller

staff writer

Elisa Cosgrove believes her acquittal on an aggravated sodomy charge Monday will lend credibility and strength to a group that contends adults are victimized by child abuse laws.

But Johnson County prosecutors and social workers say they fear any added credibility could further endanger children in troubled environments.

"My trial was an education to this courthouse and to the public as a whole," Cosgrove, a 31-year-old Raytown resident, said after the verdict. "Those jurors have seen how a family and a whole community can be torn apart by false accusations of child abuse."

In 1985 Cosgrove was charged in Johnson County District Court with performing oral sex on a 4-year-old boy. She was convicted of the charge in May 1986, but because of errors in the trial the verdict was overturned.

Since the charges were filed against her, Cosgrove has coordinated the area chapter of Victims of Child Abuse Laws, a national group that works to strengthen investigations and laws to protect adults as well as children in suspected abuse cases.

Dennis Moore, Johnson County district attorney, said today that the verdict disappointed him, particularly after winning in the first trial.

"I think probably the most unfortunate aspect of this verdict may be some credibility it gives to an organization which tries to discredit child victims," he added.

"Children have been at the mercy of adults forever," Moore said. "In the past few years there

have been some small changes in the criminal justice system which recognizes the vulnerability of children and that they have rights to be protected."

Cosgrove said she understands the need to protect children's rights, but contends the process by which social service agencies carry out investigations often traumatize children.

"I think the verdict does show that our children are our most precious resource, and that they shouldn't be abused by their parents or the system," she said.

Specifically, Cosgrove said, investigating agencies should videotape initial interviews with children who could be victims of child abuse, and that all family members, friends, perhaps even employers, should be interviewed.

Care already is given to protect innocent adults, said Bonnie Walz, supervisor of the child protection unit in the Johnson County office of the Kansas Department of Social and Rehabilitation Services.

Walz said today her agency examines each report of child abuse individually, determining whether the charges appear to be valid or malicious. Careful interviews are performed, she said, and parents are interviewed if that is deemed necessary.

"I certainly think there are some errors that have occurred on both sides," Walz said. "But we are more liable by not investigating than we are by investigating and proving a claim is false."

Hayden hears concerns about abuse accusations

By John Petterson
Topeka Correspondent

TOPEKA — Members of an organization that thinks adults sometimes are falsely accused of abusing children urged Gov. Mike Hayden on Wednesday to support changes in the state's child abuse laws.

One of those meeting with Hayden for about 30 minutes was Elisa Cosgrove of Raytown, regional coordinator for Victims of Child Abuse Laws.

"What we addressed in this meeting was the urgency that is needed for a place for parents to go to or individuals to go to who have been falsely accused, and for someone who can oversee what is going on with the social services," Cosgrove said.

She said she wanted the Legislature to establish the position of ombudsman so that persons accused of child abuse could tell their side of the story to someone not involved with the Department of Social and Rehabilitation Services, which investigates child abuse complaints.

"I think the fact he sat down with us to address this issue shows that he has a great concern, and he asked us to put together some concrete ideas for him and his aides," she added.

Kathy Peterson, Hayden's press secretary, said Cosgrove was told that if she had specific changes in mind, she should direct them to the new secretary of social and rehabilitation services when one is appointed.

ed.

In 1986, Cosgrove was convicted in Johnson County of sodomizing a 4-year-old boy, but the verdict was set aside and a new trial ordered. In May, at her second trial, the jury found her not guilty of abusing the child.

"There's like a scar on my face that I will carry for as long as I live," Cosgrove said in an interview after she met with the governor. "People that don't know me will always wonder, 'Well, did she or didn't she?' There's absolutely no way of proving your innocence."

"VOCAL in no way, shape or form is trying to eliminate child abuse laws," Cosgrove said. "We know we need child abuse laws, but, my gosh, somebody's got to get control of what's going on. It's so out of control."

Last Friday, Dennis Moore, the Johnson County district attorney, met with the governor to brief him on the legal history of Cosgrove's cases and to give him the prosecutor's side of the story.

Moore said that he offered to provide the information and that Hayden's office asked him to meet with the governor.

Wednesday's meeting was requested by Cosgrove and was her second with Hayden. The first was in April during a "Tell It to the Governor" program under which individuals can meet with the governor for up to five minutes without an appointment.

Change sought in child abuse probes

By Kate Miller
staff writer

A Raytown woman who was acquitted last month of sodomizing a 4-year-old boy was to meet today with Kansas Gov. Mike Hayden to lobby for changes in investigating child abuse.

Elisa M. Cosgrove, 32, who coordinates an area chapter of Victims of Child Abuse Laws, or VOCAL, contends methods used by the Kansas Department of Social and Rehabilitation Services are inadequate, violate due

process and lack a credible grievance procedure.

Because of that, Cosgrove said, innocent people can be accused of child abuse and must prove their innocence.

"No one is overseeing what . . . (the department) is doing," Cosgrove said Tuesday. "I'm not the only case that's bizarre in Kansas."

Donna Kaser Manning, the lawyer who handled Cosgrove's trial last month in Johnson County District Court, planned to accompany Cosgrove to Topeka today.

"This was a big education for me," Manning said Tuesday. "It's so scary. Anyone is subject to a false allegation of child abuse."

Cosgrove was convicted of sodomy in May 1986, but the verdict was overturned because of errors in the trial. During her second trial last month, Cosgrove said that she was innocent and that psychologists and social workers manipulated the child.

"Our purpose now is to expose the total torture our family has gone through," Cosgrove said. ". . . (The department) works off emotions instead of facts."

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Local

Neighborhoods are becoming more secure in Olathe. Page 3.



Sports

Olathe American Legion players face Lawrence in double-header. Page 6.



World

The economic summit in Italy comes to a conclusion. Page 5.



The Olathe Daily News

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Vol. 28, No. 057 Thursday, June 01, 1987 25 cents

Minor earthquake rattles 11 states in Midwest, South

CHICAGO (UPI) — A moderate earthquake rumbled through at least 11 states in the Midwest and South and into parts of Canada Wednesday, rattling dishes on their shelves, causing rocking chairs to rock by themselves and swaying a baseball press box back and forth 94 feet above the ground. There were no immediate reports of injuries, but the tremor caused some minor damage, toppling a chimney from a home just five miles from the earthquake's center and damaging some highway overpasses. The quake, which measured 5.0 on the Richter scale, was centered at Lawrenceville, in

tremor caused the press box — about 94 feet above the ground — to sway back and forth. It was the second earthquake in three years to shake the press box at Tigers' Stadium. "The other one you could see the girders sway," Tigers' public relations director Dan Ewald said. "This one you could feel the whole press box sway." "I experienced what my readers have experienced for years," Detroit News columnist Joe Falls said. "I got dizzy reading my own words." Other residents of the states involved said the quake caused a rippling effect on the water in swimming pools and rattled

Cosgrove urges changes in custody laws

TOPEKA (UPI) — A former Johnson County housewife who was convicted, then acquitted, of sexually abusing her 4-year-old son met Wednesday with Gov. Mike Hayden to urge a change in state child custody procedures. Hayden met with Elisa Cosgrove, 32, Raytown, Mo., regional coordinator for Victims of Child Abuse Laws, in his office in response to her lobbying for changes in the way the Kansas Department of Social and Rehabilitation Services handles child custody proceedings. Cosgrove's 7-year-old son and 11-year-old daughter were taken from her by SRS as a result of her criminal prosecution for aggravated sodomy in Johnson County District Court. The children remain in foster care despite the woman's acquittal in her second trial in May. A juvenile court hearing is set June 25 in Johnson County on her challenge to



Daily News file photo
Elisa Cosgrove

the severing of her parental rights. Cosgrove talked with reporters about her session with Hayden, saying the governor listened and asked questions, but made no commitments of action. She said she asked Hayden to establish a hearing process, in which child custody matters can be discussed openly, before SRS goes to court to obtain custody. She accused "overzealous" SRS employees of "Gestapo-like tactics" in seizing children. Hayden press secretary Kathy Peterson said the governor told Cosgrove she should take the matter to the new SRS secretary, when one is appointed to succeed Secretary Robert Harder, who is to leave office July 1. "He made no commitments and no comments on her allegations," Peterson said. A Johnson County jury last month acquitted Cosgrove of sexually abusing her 4-year-old son at the time of the alleged incident.

girls softball

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Vol. 60, No. 30
One section, 18 pages

Wednesday, June 17, 1987

Friday may be the most dangerous day, the afternoon is the most dangerous time.

Think positive

More from the medics. Most of us are aware that it's physically possible to die of a broken heart, and that people who have no will to live will have a tougher time pulling through a medical crisis. Well, it turns out the reverse is true as well. Studies show that positive thoughts can trigger the brain into pumping chemicals that fight disease. In other words, patients with a good attitude get well quicker. Well, it makes sense. So cheer up!

Racial relations concern students

Raytown Area Church Alliance members say their invitation to local high school students to discuss racial problems wasn't prompted by the recent rape of a high school teacher.

It's been a topic that members have found themselves talking about before.

"We don't want this to be viewed as a reactionary meeting by any means," said Jane Fidler Hoffman of the Southwood United Church of Christ. "This is meant to be a family discussion."

"We're family in a lot of ways. A church family. The family of the Raytown community."

But there seems to be the potential for trouble since the incident occurred — at least in the Raytown C-2 School District "family" — according to the four students who discussed the issue of race relations at the Alliance's luncheon gathering last Thursday. About 30 attended.

"I feel like it's the 60's again, not the 80s," said Tanya Robey, a senior at Raytown South High School. "Sometimes it feels like we're not going forward, we're going backward."

"It's not out in the open, it's still under cover, you can't see

□ PANEL, Page 3

She's getting VOCAL

By TODD RECTOR
Staff Writer

Ellsa Cosgrove lives her life in constant turmoil, searching for a past life that she knows she'll never regain. The 32-year-old Raytown woman considers herself a fighter — a person who fights with emotions, but searches for facts.

Cosgrove leads the Kansas City area chapter of VOCAL, or Victims of Child Abuse Laws. She started the area branch of this national group

in 1985.

At times she was the only one present at the meetings. But since VOCAL's beginning, the monthly sessions have grown, with as many as 50 persons attending.

Each person there has a special concern about the touchy subject of child abuse, she said, and the rights of the child versus the rights of the accused abuser.

Some have been charged with child abuse and found not guilty, as is the case with Cosgrove. They find their lives

in disarray, she said, being separated from their children and forced to live with the stigma of being a child molester.

Cosgrove, convicted in Johnson County of 'sodomizing' a 4-year-old boy in 1986, was acquitted of that charge in May after a new trial. But having the decision overturned by no means ended her ordeal, she said.

Cosgrove has been trying to reinstate her own parental rights, which were severed

□ VOCAL, Page 3

□ VOCAL

Continued from Page 1

by a court order in 1984 during a divorce. She hasn't seen her two children since June 1985. And her attention now is focused on getting the children — ages 7 and 11, and in foster care — back in her custody.

"Life just never will be the same," said Cosgrove. "It won't be for the children, either."

Cosgrove stresses that VOCAL doesn't seek to remove the rights of the child, but rather to maintain the rights of due process for the parents.

Her main complaints are with the Division of Family Services in Missouri, and the Social Rehabilitation Service in Kansas — groups she believes to be too arbitrary in

decision-making.

"A child is going to say what he thinks will make an adult happy," said Cosgrove. "Once you've been labeled a child abuser, that label sticks."

VOCAL would like to see the state install a group whose sole purpose is to address grievances. Cosgrove said this group should be separate from state family services and would seek to produce factual information.

VOCAL members also believe that the initial interviews between the child and counselor should be videotaped, or at least tape recorded.

"The first meetings are crucial," said Cosgrove. "The child may be asked misleading questions. These counselors

need to be taught better interviewing techniques."

VOCAL members hope to form a network of attorneys and other persons who are aware of their concerns and are willing to work for changes in the system.

"By no means do we want to do away with child abuse laws," said Cosgrove. "We know we need child abuse laws. But someone has to get control of what's going on, because it is out of control."

Cosgrove said that most people who come to VOCAL meetings are hungry for advice.

"They want to know how to get their kids back and clear up their names," she said. "We're a good support group. And believe me, it's good to talk with someone

who has lived it or is still going through it."

Cosgrove is concerned about children in "foster care limbo," living a life that she says never gives them a true identity.

"The laws aren't half as bad as the mindset we're up

against," said Cosgrove, who later this month will have her case reviewed by the same judge who made originally severed her parental rights.

"I'm going to see some laws changed and have my kids back if it kills me."

VOCAL meets on the second

Tuesday of each month at the Plaza branch of the Mid-Continent Public Library. The group is also spearheading a candlelight vigil Friday night at Volker Park in Kansas City, honoring children being who won't be with their dads on Father's Day.

□ CAR

Continued from Page 1

The Cadillac, which was not disposed of by customs officials, was offered to the police department about six months ago in exchange for its role in the raid. Transference was made to the department in February under provisions of the Comprehensive Crime Control Act of 1984 and the Tariff and Trade Act of 1984.

Because the department had no use for the Cadillac, Turnbow put the car up for bid: "It was a case where we were able to

benefit directly from the fruits of crime," he said, noting that the book value of the car was \$2,025.

A city ordinance stipulates that a request for sealed bids be published for two consecutive weeks in a designated local weekly newspaper. Records show the car was advertised once.

"It was something that went through our department and we missed it," said Bob Reis,

city clerk and finance director, about the bid request publication. "Theoretically it's something we should have known."

Walters hopes to tie up all the loopholes regarding the city's bidding procedures with new ordinances. In the meantime, he's still looking for explanations.

"There's no real black and white, right or wrong involved here," said Walters. "There seems to be a lot of shades of gray."



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Local briefs

Judge rejects custody for Cosgrove

A Johnson County district judge Thursday ruled Elisa Cosgrove would not be granted a new trial in the custody battle for her two children.

Thomas C. "Tim" Owens, a pro-tem judge who presided at the original trial, made the decision following a three-hour hearing in the juvenile division of Johnson County District Court.

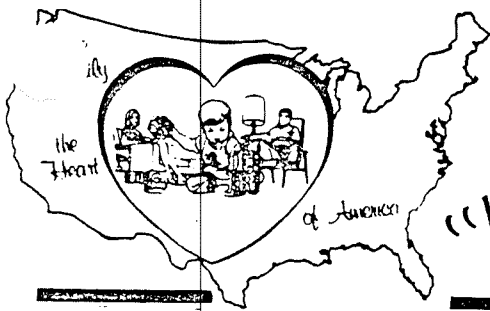
Cosgrove, who testified during Thursday's hearing, asked for a new trial partly because she was acquitted several weeks ago in

Johnson County District Court of sexually abusing her 4-year-old son.

Last fall, Owens severed Cosgrove's parental rights following a seven-day trial. The children are in foster care, where they have been for several years.

After Thursday's hearing, Cosgrove said she intends to appeal the decision.

"Definitely," she said. "We are going to appeal it. It is going to take a while, but we are going to do it."



Pro-Family Forum

An informational and educational publication
presented by Missouri Pro-Family Forum

This newsletter is largely devoted to Missouri legislative issues. Thank you, Sally Davis, our Legislative Chairman, for all your hard work and effort in providing us with this information. Readers, please take the time to read and study the information and then contact your state senator or representative.

A few news notes: First, several times in this newsletter we have mentioned Elisa Cosgrove, the young mother whose children were taken from her after a particularly messy divorce proceeding, and who was herself accused of child abuse. I have been following Ms. Cosgrove's case in the Kansas City Star and am very thrilled to announce to any who missed the reports that Elisa has been acquitted of abuse charges! Unfortunately, this does not mean she will automatically get her children back. Please continue remembering her plight in your prayers.

Next, the Independence Pro Family Forum chapter has decided to indefinitely postpone monthly meetings in favor of fewer, large-scale meetings, such as the highly successful April 3 joint seminar with the Coalition Against Pornography featuring Alan Sears, former Chairman of the Attorney General's Commission on Pornography. Stay tuned for future events and details!

Last, it is with some regret that the editors of this newsletter wish to resign their positions. Angie White has had family illnesses to cope with and may be moving from the Kansas City area. Patricia Collier has increasing family responsibilities (she is expecting her third child in a few months) and has sold the computer equipment she was using to her former employer. While her employer has graciously permitted her to continue to use the equipment to put out this newsletter and three of the previous ones, she feels it is not right to continue to impose on his generosity to the Pro Family cause. Angie and Patricia will work with the new editor(s) (yet to be determined!) to assure a smooth transferral.

Angie and Patricia thank you for your past support and sincerely hope you will as generously support your new editors.

LEGISLATION UPDATE by Sally Davis

Groundwork for School Based Clinics, SB 202, HB 464 - Oppose

These bills establish a task force to study and promote pilot projects to develop comprehensive health education for school children. We already have many resources for health care and education in our state to meet the needs of our children.

While innocent sounding, these bills represent the classic way school-based clinics gain acceptance and funding through the state. It is well publicized that these "comprehensive" health

programs are run by people basically concerned with a child's sexual activity, that personnel will dispense and encourage the use of contraceptives, and that they often counsel and refer for abortion.

Children's health care provided by school-based clinics typically cost parents approximately \$5.00/year/child if a parent signs a medical release form. By signing this form, the parent virtually gives up his right to knowledge of his child's health care. For a mere \$5.00, a parent "sells his child's soul, for a pot of porridge."

If this sounds absurd - read on---

Metropolitan

The Kansas City Times

Thursday, April 21, 1988

★ ★

Mother fights abuse charges in appeal of custody ruling

By Tony Rizzo
Of the Metropolitan Staff

Is Elisa Cosgrove a "mentally ill sexual pervert" whose abusive treatment of her children caused them to suffer serious emotional and psychological disorders?

Or is she a loving mother fighting to be reunited with the children she lost after false accusations of sexual abuse and mental instability?

These divergent portraits of the 32-year-old Raytown woman emerged Wednesday during a hearing in Johnson County before a three-judge panel of the Kansas Court of Appeals.

Cosgrove, an outspoken leader of a group formed to protect adults wrongly accused of abusing children, is seeking to overturn a Johnson County juvenile court ruling that cut her off from her children in October 1986.

The children had been placed in foster care 2½ years earlier after Cosgrove and her former husband, who were then in the middle of a bitter divorce battle, accused each other of sexually abusing the children, both under the age of 10.

The court on Wednesday listened to arguments from lawyers and also heard from Cosgrove's ex-husband,

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Charlie Cosgrove, who is serving a prison sentence for sexually abusing another child.

The court took the arguments under advisement and will rule on the case at a later date.

Elisa Cosgrove was acquitted last year of charges that she sodomized one of her children. It was her second trial on the charges in Johnson County District Court. She was found guilty in the first trial, but the verdict was overturned because of

errors during the trial.

On Wednesday, Charlie Cosgrove said he made up the accusations about his wife because he thought she had accused him of sexually abusing their other child.

The accusations came during the "warlike" divorce fight, which began in February 1984 when Elisa, his wife of 12 years, told him she was going to leave him, he said.

"I did everything I could to hurt her," he said.

When he felt that his wife was "getting the best" of the struggle for custody of their children, he said he had her "committed."

According to evidence presented at the 1986 severance hearing, in April 1984 a judge ruled that there was probable cause to find that Elisa Cosgrove was mentally ill and a danger to herself or others.

Mental evaluations of the couple's two children, conducted about the same time, revealed that the children suffered serious emotional problems and that they were responding to the effects of "poor and inconsistent parenting."

Both children were found to be angry and hostile, and one was later found to be suffering a multi-

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Mother's fitness is issue

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ple personality disorder. The psychologist who diagnosed the disorder said it could be caused by extremely stressful experiences such as child abuse.

After being placed in foster care, both children told authorities that they had been sexually abused by their parents. And one of the children was discovered acting out a sex act with a 3-year-old girl.

Assistant District Attorney Richard Guinn said Wednesday that the Cosgroves had never accepted responsibility for their actions or admitted that they had caused damage to their children.

"We're not dealing here with good or adequate parents," he told the judges. "They participated in very perverted sexual activity with their own children."

Guinn also presented evidence about Elisa Cosgrove's alleged sexual encounters, including engaging in sexual acts with a stranger at a pornographic movie theater while her husband looked on.

Elisa Cosgrove's lawyer, Dave Fromme, argued Wednesday that all of the state's evidence about her fitness as a parent presented at the 1986 trial was gathered prior to April 1984, when the children were placed in foster care.

"From the beginning the state has made an effort to portray the mother as a mentally ill sexual pervert," Fromme said.

He said that at the time Cosgrove was mentally evaluated, she was under extreme stress and fear because of threats and abuse by her husband.

"The mother was in constant fear

of her children being kidnapped and of her own physical safety," he said. "She was under the threat of assault and harm. She was trying to survive.

"It was in this context that all of the state's psychological evaluations occurred," he said. "Is mere proof of abuse in 1984 sufficient to sever a parents' rights in 1986?"

Fromme said it was difficult to assess the truth about what happened between mother and children because the children's stories changed drastically.

"Assuming some abuse occurred between mother and children, it occurred under circumstances of tremendous chaos — circumstances that were not permanent."

Fromme said the central question that must be decided by the court of appeals is, "What were this woman's parenting skills in 1986?"

Charlie Cosgrove said that once the children were placed in foster care, they made accusations of abuse against their parents because they thought it would please the adults — social workers and prosecutors — they were around.

"All the evidence the prosecutor has are words," he said. "Just the words of children, and children lie."

Elisa Cosgrove has been an active leader of VOCAL, Victims of Child Abuse Laws, a national group that formed a Kansas City chapter in 1986.

The group has lobbied for proper investigation of sexual abuse allegations so that parents as well as children can be protected from false accusations.

The group contends that children sometimes file false reports and that they can be manipulated by prosecutors and social workers.

Child abuse leader wants children back

By ANDY HOFFMAN

Daily News Reporter

A 32-year-old Raytown, Mo., woman found not guilty last year in Johnson County District Court of molesting her 4-year-old son went before the Kansas Court of Appeals Wednesday in an attempt to have her parental rights reinstated.

A court-appointed lawyer representing Elisa Cosgrove argued before the three-member panel in Olathe Wednesday morning that a Johnson County district court judge erred when he permanently severed the parental rights of both Elisa Cosgrove and Charlie Cosgrove in the fall of 1986. The couple are now divorced.

The children, a girl and boy who are now 12 and eight respectively, were taken from the Cosgroves by state social workers in 1984 following accusations of sexual abuse. The Cosgroves have not been allowed to see either child since late in 1985.

Thomas C. Owens, a local lawyer who was acting as a pro-tem judge in the juvenile division, ruled in November 1986 that the Cosgroves were unfit parents and permanently severed their parental rights following a lengthy trial. The trial was not open to the public.

In announcing his decision to sever the parental rights in 1986, Owens said: "I find the actions (allegations of sexual misconduct involving the parents and their two children) to have happened and I further find them to be incomprehensible. These two children have been through far, far more than any one person or two persons should ever have to go through; and they have been through it prior to their 10th birthdays."

The argument before the appeals court Wednesday concerned only Elisa Cosgrove's parental rights. The children's father, Charlie, who is convicted of

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Child abuse leader wants children back

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molesting a niece, did not file an appeal and the issue regarding his parental rights was not involved in Wednesday's hearing.

He did appear at Wednesday's hearing. He told the appeals court he initiated the accusations against Elisa in 1984 in an attempt to "get even" with her during their divorce.

As he spoke, Mrs. Cosgrove sat at a table wiping tears from her eyes.

It's not the first time Mrs. Cosgrove, a spokesman for VOCAL — victims of child abuse laws — has been in court concerning legal matters involving her children.

- In May 1986 she was convicted by a Johnson County Jury of sodomizing her four-year-old son.

- In August 1986 Johnson County District Judge Robert Jones set aside that jury verdict and ordered a new trial for Cosgrove, saying she was not afforded effective legal counsel in her first trial.

- In November 1986 Owens severed the Cosgroves' parental rights following the trial in juvenile court.

- In April 1987 Cosgrove was acquitted by a Johnson County jury of molesting her four-year-old son.

Mrs. Cosgrove's criminal trial dealt with a single incident involving the alleged molestation of her son and did not involve accusations of sexual misconduct

involving her husband and their daughter.

Both Cosgroves have repeatedly denied molesting either child. Mrs. Cosgrove has continually claimed her son has been victimized by social workers, prosecutors and other authorities who planted the accusations in the boy's mind in an attempt to convict her of the criminal charges.

However, Richard Guinn, the assistant district attorney who prosecuted Mrs. Cosgrove in her criminal trial and severance trial, issued a seven-page synopsis outlining the history of the Cosgroves and their children.

"Elisa and Charlie Cosgrove are not the wonderful parents they would have us believe they are," he said. "They instead are two parents who, through physical, emotional and sexual abuse, have damaged their own children to the extent that one suffers from a multiple personality disorder.

"The evidence was clearly sufficient to support the Court's findings that (the Cosgroves) were not fit parents and that their rights to their children should be terminated."

However, in her appeal, Cosgrove claims the court made several errors in reaching its decision. The legal issues raised in the appeal were argued orally Wednesday before the appeals court, which was sitting in Olathe. The court will announce its decision at a later date.

The four issues Cosgrove's court-appointed attorney, David

Fromme, asked the appeals court to review are:

- If the trial court erred in determining that both parents were unfit to properly care for their children at the time of the November 1986 trial.

- If the court erred in denying the parents' request for an independent evaluation of the two children — now ages 12 and eight — a few days before the 1986 trial.

- If the court properly admitted testimony of statements the little girl made while under hypnosis.

- If the administrative judge erred in refusing a request from the parents to remove Owens as the trial judge.

Fromme told the three-member panel that the main issue before the court is not whether Cosgrove molested her children in 1984, but whether she was a fit parent when her parental rights were severed in 1986.

"The basic issue as we see it, is the state believes if they prove a parent committed sexual abuse of a child in 1984, then that parent's rights should be permanently severed," Fromme said. "The question is: Is mere proof of sexual abuse in 1984 sufficient evidence to sever that parent's rights in 1986, when there is no evidence of sexual abuse occurring in the meantime?"

During his presentation, Guinn outlined a long list of accusations of sexual misconduct involving the children, beginning in 1984.

At one point, one of the appeals

judges asked Guinn why he was re-stating events that are alleged to have happened in 1984.

"The reason I am mentioning these things is to indicate to the court just how serious these kids were damaged by their parents in 1984," he said. "The evidence is quite clear they were very responsible for the damage to the children."

Guinn said the Cosgroves, despite several psychiatric evaluations indicating the children have been molested, have never admitted any responsibility for the problems their children are now facing.

"We are not dealing with good parents, or even adequate parents," Guinn said. "We are dealing with two individuals who are responsible for very perverted sexual acts with their own children."

Guinn also defended Owens' actions in severing the parental rights. He said the court's ruling was appropriate.

According to Guinn's brief, the juvenile court "had substantial competent evidence ... to support a finding that the Cosgroves' were unfit parents."

In addition, Guinn said the court did allow an independent evaluation prior to the 1986 trial; properly allowed the statements the girl made while under hypnosis; and said the administrative judge properly denied the Cosgroves' request to remove Owens as the judge.

Advocate loses child-custody appeal

By Tony Rizzo
Of the Metropolitan Staff

The Kansas Court of Appeals has upheld the severing of parental custody rights for a woman who is an outspoken advocate for adults wrongly accused of abusing children.

A Johnson County District Court decision in October 1986 permanently took away Elisa Cosgrove's custody of her two children after hearing evidence that the children had been sexually and emotionally abused by their parents.

Cosgrove had petitioned the Appeals Court to grant a new trial because the evidence the court based its decision on was gathered two years earlier and did not address her fitness as a mother at the time her rights were severed.

A hearing was held in April, and Friday the Appeals Court ruled in favor of the lower court's decision. Cosgrove has not been able to communicate with her children since the 1986 ruling.

She said she was shocked, disappointed and "literally shaken to the core of my soul" by the decision.

But she said she was determined to have her children returned, and said she was preparing appeals to the Kansas Supreme Court and the U.S. Supreme Court.

"Somehow, some way this will be carried to the Supreme Court," she said. "I'm not going to lose my children over a divorce."

Cosgrove and her former husband were embroiled in a bitter divorce, proceeding in 1984 during which both accused the other of sexually abusing their children. During the procedure their children were placed in foster care until the October 1986 decision.

Cosgrove was charged and ultimately acquitted of sexually abusing one of her children. Her former husband is serving a prison sentence for sexually abusing another child.

He testified before the Appeals Court in April that he made up accusations about his wife abusing their child as a way of hurting her during the divorce fight.

Assistant Johnson County District Attorney Rick Guinn said he agreed with Friday's Appeals Court decision.

"There was clear and convincing evidence to support the court's finding that she was an unfit parent," he said.

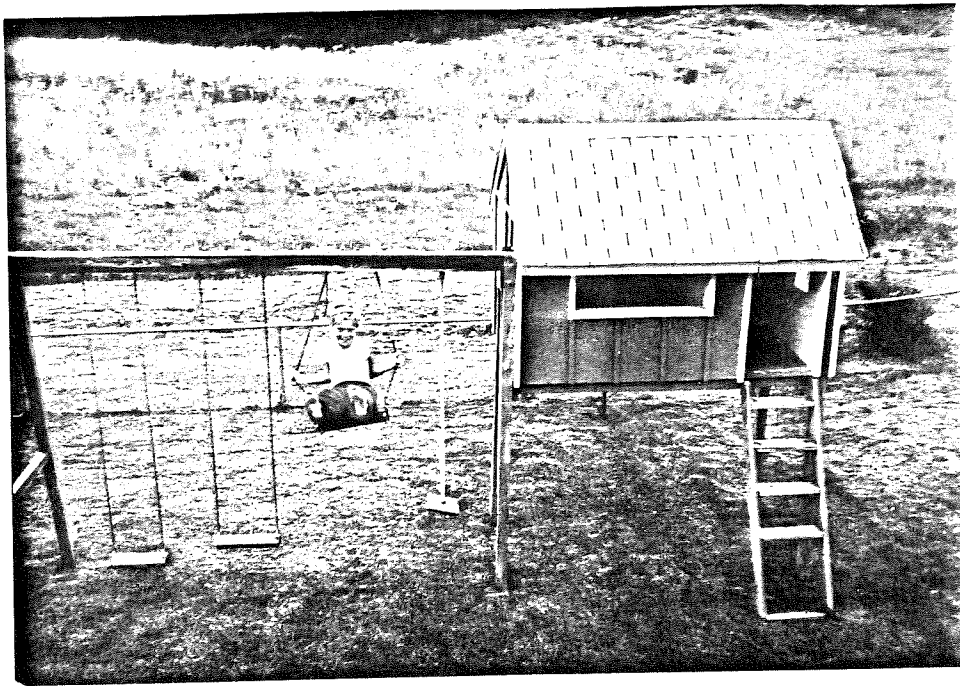
Cosgrove's experience with the court system led her to become active in VOCAL, which stands for Victims of Child Abuse Laws.

Being at my biological
gather and seeing mom
& dad on weekends was
like being in prison with
weekend liberties. Best
on Sunday I'd get
depressed knowing I had
to leave again.



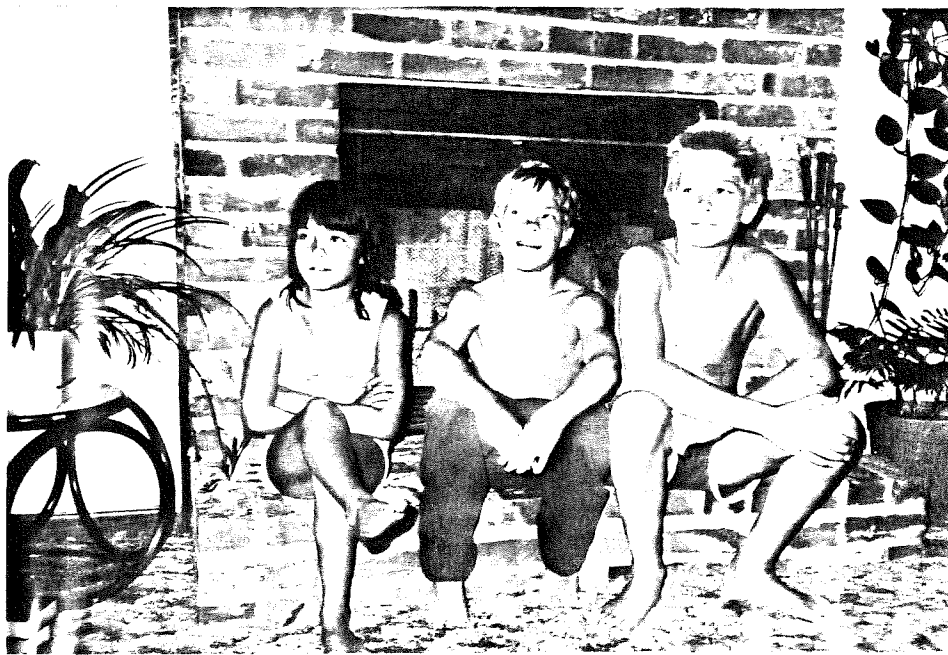


I was thrilled to
get to talk to
Governor Haden. I felt
I had power to try
& change things. But
afterwards it was a
real let down. He didn't
care. He was all talk
no action.



Finding out I never
had to leave Mom
& Dad again was like
the greatest thrill
ever. It let me be like
a duck. I can't put
this into words but
I guess

It would be like
the greatest high &
a lot of relief.





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