

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Kathleen Sebelius at \_\_\_\_\_  
Chairperson

1:30 ~~xxx~~/p.m. on Monday, February 17, 1992 in room 526-S of the Capitol.

All members were present except:

- Representative James Cates - Excused
- Representative Diane Gjerstad - Excused
- Representative Clyde Graeber - Excused
- Representative Barbara Allen - Excused

Committee staff present:

- Mary Torrence, Office of the Revisor of Statutes
- Mary Galligan, Kansas Legislative Research Department
- Lynne Holt, Kansas Legislative Research Department
- Connie Craig, Secretary to the Committee

Conferees appearing before the committee:

- Larry Rute, Kansas Legal Services
- The Honorable William Randolph Carpenter, Administrative Judge, Third Judicial District of Kansas
- The Honorable James Buchele, District Judge, Shawnee County, Kansas
- Arthur Sandquist, Topeka, Kansas
- Melissa Ness, Kansas Children's Service League
- Gary Kretchmer, Director, Domestic Services, Tenth Judicial District, Johnson County, Kansas
- Wade H. Bowie, Jr., Leavenworth, Kansas
- The Honorable Richard Smith, District Judge, Sixth Judicial District, Miami, Linn and Bourbon Counties, Kansas
- Barbara Armstrong, Kansas City, Kansas
- Judge Beasley, 18th Judicial District, Sedgwick County, Kansas
- Professor Linda D. Elrod, Washburn University School of Law, Topeka, Kansas
- Roger Doeren, Fairway, Kansas
- David P. Woodbury, Prairie Village, Kansas
- Carolyn Hill, Acting Commissioner, Youth and Adult Services, Department of Social and Rehabilitation Services, Kansas
- Jim Clark, Kansas County and District Attorneys Association
- Bernard J. Dunn, Director, Kansas Mediation Service, Topeka, Kansas

Chair Sebelius called the meeting to order. She explained that a fiscal note is being distributed to the Committee, Attachment #1, for HB 2691. She stated that there is no request, at this time, for State General Funds for this legislation.

Larry Rute appeared before the Committee in support of HB 2691, Attachment #2.

Judge William Carpenter testified in favor of HB 2691, Attachment #3.

Judge James Buchele gave testimony, Attachment #4, supporting HB 2691.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,  
room 526-S, Statehouse, at 1:30 ~~PM~~/p.m. on Monday, February 17, 1992

Arthur Sandquist appeared before the Committee and urged the favorable passage of HB 2691, Attachment #5.

Melissa Ness gave testimony, Attachment #6, in favor of HB 2691.

Gary Kretchmer testified in support of HB 2691, Attachment #7.

Wade Bowie appeared as a proponent of HB 2691, and gave testimony supporting the legislation, Attachment #8.

Judge Richard Smith appeared before the Committee in support of HB 2691. He suggested that the section on care and treatment of alcohol and drug abuse as referred to in the statute K.S.A. 65-4001,(c), be included in the bill, as well as mentally ill. He suggested also including misdemeanors and, possibly, some of the felonies committed by one family member against another. In particular, incest and indecent liberties, where the prosecutor has decided he is going to divert the defendant, and triggers all of the mental health programs and services that should be coordinated within the family court system. He pointed out that Maryland and Delaware have this language. He added that Section C,4 of the bill should include a victim assistance program.

Barbara Armstrong gave testimony, Attachment #9, in support of HB 2691.

Judge Beasley appeared before the Committee and urged the Committee to pass favorably HB 2691.

Professor Elrod gave testimony in supporting HB 2691, Attachment #10.

Roger Doeren testified in favor of HB 2691, Attachment #11.

David Woodbury appeared before the Committee in favor of HB 2691, Attachment #12.

Carolyn Hill appeared before the Committee to express the support by the Kansas Department of Social and Rehabilitation Services for HB 2691, Attachment #13.

Jim Clark stood before the Committee to urge the favorable passage of HB 2691.

Attachment #14 is written testimony from Bernard Dunn in favor of HB 2691.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

room 526-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Monday, February 17, 1992.

<sup>→ #16</sup>  
Attachment #15 are other material handed out to Committee members from the conferees in support of HB 2691.

Judge Buchele expressed the following concerns with court services:

- A report done by the Department of Correction and the Sentencing Commission stated that home studies should be removed from court services. The Courts need officers to work juvenile and domestic cases to do mediation and home studies, etc.
- One of the issues is funding and where it will come from, court costs is not the first choice.

One Committee member asked if this bill will reduce the adversarial aspects of these cases, and could this be expanded to other areas of the law, as well.

A Committee member asked if the language could be changed so that rural judicial districts consisting of only two counties could be considered for the pilot project; and on line 23, page 1, HB 2691, the word shall should be changed to the word may?

In response, Chair Sebelius suggested adding additional areas and not have it mandated, so that whoever came in with their pilot suggestion could group together the areas that would make more sense to them.

Staff asked about line 23, page 1 of HB 2691 where it talks about a separate division of the district court. She pointed out that in a practical matter in an urban county that will probably not be just one division, and would probably have to be a department or one or more divisions.

Chair Sebelius closed the public hearing on HB 2691, and asked for a motion to approve the minutes for January 22, 1992.

Representative Wagon moved to approve the minutes for January 22, 1992. Representative Krehbiel made a second to the motion, which passed on a voice vote.

Representative Wagon made a motion to introduce legislation to account for periodic updates of national codes regarding standards for firefighters' clothing, Attachment #16. Representative Long made a second to the motion, which passed on a voice vote.

Chair Sebelius adjourned the meeting.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2-17-1992

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Art Sandquist	323 Frankling Topeka	Member of Families Demanding Equal Justice
Kim Leach	127 E.D. Panama KS.	Ottawa University / self
Julie Roehl	510 Prince St. Princeton, KS	Ottawa University / self
Doug Bowman	Topeka	Children & Youth Advisory
SYDNEY HARDMAN	LAWRENCE	KS ACTION FOR CHILDREN
Paul Johnson	Topeka	PACK
JAN WOODFORD	722 E. 3 <sup>RD</sup> BOY 31, OLATHE, KS	JOCO CASA, INC
Wm. R. Carpenter	Shawnee Co. Dist Ct	same
Mary Rati	712 S. Kansas	KANSAS ADULT SERVICES
Richard M Smith	Mound City Linn Co.	LINN CO. Dist. COURT
Mickey James	Overland Park, KS.	personal interest - CSO
Beverly Willis	Olathe, KS.	Personal - CSO
ROGER DOEREN	5516 MISSION ROAD FAIRWAY, KS 66205-2721	PERSONAL
BARBARA ARMSTRONG	6341 CERNECH KANSAS CITY, KS 66104	PERSONAL
Cleta Remyer	Salatha, KS	Right to Life of Mo
Nick Rorick	Topeka	Barber Assoc.
GARY HITCHMAN	Olathe	Court Services
Melissa Ness	Topeka	Ks. Children's Sew. League
Kay Farley	Topeka	OJA
Cathy Spohr	Topeka	Court Services
Paul Shelley	Topeka	OJA
Lana Vanderplas	Topeka	Intern
Betty Young	Olathe	Self
James P. Budebe	200 E 7 <sup>TH</sup> , Topeka	Third Judicial District
Jim Clark	827 S. Bryan, Topeka	Ks Co. Dist. Atty's Assoc.
Ron Smith	Topeka	KS Bar Assoc





State of Kansas

## Office of Judicial Administration

Kansas Judicial Center  
301 West 10th  
Topeka, Kansas 66612-1507

(913) 296-2256

January 22, 1992

To: Gloria M. Timmer, Director of the Budget  
From: Jerry Sloan, Budget and Fiscal Officer  
Re: House Bill No. 2691

This bill establishes a grant program to fund a family court system in two pilot sites. One pilot project will be located in an urban judicial district and one will be located in a rural area comprised of three or more counties located in one or more judicial districts.

The grants for the first year of the program will be used to plan and implement the family court system. Grants for the second and third year of the program will be used only for implementation of the proposed court system.

Expenses for the first year of the program include salaries and fringe benefits for two staff positions. A Family Court Coordinator (Salary Range 26 - \$29,700 plus \$6,041 fringe) and an Administrative Technician (Salary Range 16 - \$18,246 plus \$4,589 fringe) would be required initially. The Family Court Coordinator will be responsible for the functions listed in Section 1(c)(1)-(8). The duties of this position will include developing an intake and screening process, utilizing a case management system to provide continuity in case management and providing training for appropriate court personnel. The Administrative Technician will provide clerical support as necessary. Operation costs will be \$5,045 for each new position for a total first year cost of \$10,090. Operation costs will include desk, phone, etc. First year travel expenses are estimated at \$3,000. Postage and printing are estimated at \$500 each for a first year total of \$1,000.

This bill, if enacted, would cost the Judicial Branch \$69,666 during the first year of the program. It will be necessary to review the program after the first year to determine additional staffing needs.

JS:pd

*House Federal & State Affairs  
February 17, 1992  
Attachment #1*

TESTIMONY OF LARRY R. RUTE  
KANSAS LEGAL SERVICES, INC.  
(913) 233-2068

COMMITTEE ON FEDERAL AND STATE AFFAIRS

Kathleen Sebelius, Chairperson  
Monday, February 17, 1992

I would like to thank the Chairperson and members of the committee for the opportunity to appear before you today to discuss House Bill No. 2691.

I am the Litigation Director and Deputy Director for Kansas Legal Services (KLS). As you are probably aware, KLS is a private, non-profit corporation dedicated to providing free or low-cost legal services to low and moderate income Kansans throughout the state. A significant portion of our clientele receive assistance to resolve family law related issues.

With my appearance today, I am wearing two other hats. I also appear as president of the Kansas Bar Association's Family Law Section. Our Section is composed of nearly 300 Kansas family law practitioners. The Executive Committee of the Section recently voted to unanimously approve the introduction of House Bill No. 2691. Due to the fact that this bill is newly introduced, the Kansas Bar Association Board of Governors has not yet had the opportunity to take possession; however, I am authorized to speak in behalf of our Section.

Additionally, I represent the Kansas Trial Lawyers Association on the Steering Committee of the Kansas Children's Coalition. The mission of the Kansas Children's Coalition is to see what that basic needs of all children in Kansas are met by their families and/or their communities. I have the privilege in speaking in behalf of the Coalition as well.

House Bill No. 2691 is a good bill. It is specifically designed to establish a family court system by developing two pilot projects located in urban and rural areas. The pilot projects will study the viability of the first real family court in Kansas. Most importantly, the bill supports the use of grant money which will further encourage the development of a real family court system in Kansas.

Wisely, the bill does not call for the establishment of a new court. Rather, because it would have jurisdiction over juvenile proceedings, as well as a number of other family problems, such as marital dissolution, non support, adoption, paternity, domestic violence protection, civil commitment and guardianship proceedings, and so on, its establishment would eliminate juvenile and domestic related courts as separate tribunals. Nonetheless, in a urban setting, the volume of cases would undoubtedly require that the new

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Attachment #1

Family Court be divided into various sections, allowing each to specialize in a different category of family problems.

The family court concept is not a new one. In 1948 the American Bar Association went on record favoring its establishment. The first Standard Family Court Act was published in 1959 by the National Council on Crime and Delinquency.

Rhode Island established the first family court in 1961. Hawaii enacted its family court system in 1966. During the 1970's and 80's the states of Delaware, South Carolina, Connecticut, New Jersey as well as the District of Columbia implemented family court jurisdiction. Within recent years the states of Florida, Vermont, Virginia and Nevada have implemented family courts.

There has been recent support within the State of Kansas for the family court concept as well. Various conferees to a one and one-half day "Children and Families Symposium" sponsored by the Supreme Court of Kansas on November 18-19, 1991 spoke in favor of the establishment of family courts. In December, 1991 the Special Committee on Children's Initiatives issued it's report recommending "family-centered" court services. The report recommended improvements in the way in which the judicial systems deals with family on children's cases through:

1. Development of a family court system;
2. Expanded counseling and mediation services;
3. Court assistance in referring families to the services they need;
4. Increased use of volunteers, including Court Appointed Special Advocates and Foster Care Review Boards; and
5. Increased emphasis on enforcement of visitation rights.

In the relatively short time available to me I would like to outline but a few of the advantages that I see in the establishment of a family court system in Kansas, as follows:

I. Advantages to the practitioner:

- a. Added consistency in judicial decision making;
- b. Development of standardized rules, practice standards, guidelines and bench books.

II. Advantages to the judiciary:

- a. Continued development of judges with strong interest and experience in family law;
- b. Permits the appointment of judges who are specifically interested and experienced in family law issues;



- c. Permits development of family law judgeships enjoying a higher status in the eyes of the judiciary and the Bar;
- d. Permits the development of specialized judicial training;
- e. Encourages the development of a comprehensive court services program.

III. Advantages to the consumer (taxpayer):

- a. Allows for the more efficient use of resources;
- b. Helps to eliminate duplication of effort;
- c. Encourages the development of a comprehensive information database;
- d. Encourages the development of alternatives to the adversarial model;
- e. Encourages the development of a comprehensive array of services (legal, social and psychiatric);
- f. Encourages the family court to serve as an important liaison to social services agencies providing case-related services.

In conclusion, over the years there has been considerable debate about how the court system can improve staff, lower case loads, and reduce other operational problems. Most students of the court agree that certain changes can and should be made now to accomplish this. Our state can and should spend more money on the courts. Our courts should have judges who are better trained in both the law and the social sciences. Specialized courts should be established to allow for greater jurisdictional efficiencies and enjoy a stronger position in the state's judicial system so that specialized judgeships will enjoy a higher status in the eyes of the bench and the bar. All courts should closely coordinate their operations with social services and law enforcement agencies. Everywhere the public should be told more about the court system and encouraged to support its work. I believe that the establishment of a family court system in Kansas is an important step in this direction.

Thank you for your consideration.

District Court of Kansas  
Third Judicial District

Shawnee County, Kansas

Chambers of  
William Randolph Carpenter  
Administrative Judge of the District Court  
Division No. One  
Shawnee County Courthouse  
Topeka, Kansas 66603

February 14, 1992

Officers:  
Carol A. Meggison, C.S.R.  
Official Reporter  
291-4351  
Pamela S. Patton  
Administrative Assistant  
913-291-4365

TESTIMONY OF WILLIAM R. CARPENTER  
TO HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

I would like to thank Chairperson Sebelius and the members of this committee for the opportunity to make this brief presentation in support of H.B. 2691.

In January of 1990, the Shawnee County District Court initiated a pilot program to establish a domestic division. All new divorce cases were assigned to this division, as well as child support enforcement, paternity, and protection from abuse cases. Judge James Buchele volunteered to have his division designated as the domestic division. It was anticipated that while no formal court reorganization would take place, Judges Dan Mitchell (Juvenile Division) and Frank Yeoman (Probate Division) would assist Judge Buchele when necessary, and Judge Buchele would likewise assist these judges when necessary.

In view of the volume of domestic cases filed each year in the Shawnee County District Court (i.e. 2,566 in 1991), various members of the bar were skeptical that this program would be able to process the cases. However, the cases have been handled efficiently and, in view of this experience, I fully support the pilot project relating to a family court as provided by H.B. 2691, for the following reasons:

1. The welfare of children involved in litigation would be advanced due to a more expeditious handling of cases and motions relating to custody, visitation and support. It was our experience, before we established a specialized division, that custody disputes and post-trial motions were subject to periods of delay due to the problems the general jurisdiction judges had in finding calendar time for such hearings. The longer the delay in resolution of said issues, the greater the anxiety on the part of the child.

2. There is much greater uniformity and predictability when domestic cases are assigned to a specialized division than when they are assigned to general jurisdiction divisions.

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Attachment #3*

3. Since in recent years domestic cases have become far more complex, a judge who specializes in this area of the law tends to be more competent than a general jurisdiction judge.

4. It is contemplated that only judges who are interested in this area of law would be assigned to a division specializing in domestic cases. A judge who is interested in this field is preferable to one who is not.

5. The case loads of the general jurisdiction divisions were materially reduced by the removal of domestic cases and post-judgment motions. This has resulted in a speed-up in the processing of the non-domestic civil cases in our court.

In view of the foregoing considerations, I urge the adoption H.B. 2691. Thank you again for this opportunity to appear in support of this bill.



WILLIAM R. CARPENTER  
Administrative Judge  
Third Judicial District of Kansas

Testimony of James P. Buchele  
District Judge - February 17, 1992

Re: HB 2691

I appear for myself and Judge William R. Carpenter, the Administrative Judge of the Third Judicial District here in Shawnee County, in support of a pilot study of a family courts system.

In 1990, our District Judges considered implementation of a family law department which would have placed divorce, juvenile, mental health and related subject matter into a single judicial department. For various reasons, we were unable to garner support from the bar and a majority of the district judges to take the full step. We did however, take a smaller step in the direction of a family court concept in that we consolidated all divorce, paternity and protection from abuse cases under one judge. Presently, we have one full-time judge handling juvenile cases and one judge that handles probate, mental illness and guardianship matters and devotes one day per week to juvenile. Since December, 1990, one judge and one Administrative Hearing Officer have handled all divorce, post judgment, child support, protection from abuse and paternity cases. The 3 judges and Administrative Hearing Officer are not formally linked, but we do communicate on an informal basis on matters of mutual interest.

Putting all divorce matters before one judge has resulted in several improvements in how these cases are

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processed.

- On December 31, 1990, we had pending 708 divorce cases with a median age of 98 days. On December 31, 1991, there were 624 pending divorce cases with a median age of 85 days. The reduction of 13.5% in case numbers and 15% of median age in the first year were achieved primarily through better case management. I estimate we will reduce the pending case numbers and median age by an additional 8-10% this year.

- Pulling divorce cases out of the assignment has freed up the 9 general jurisdiction judges to better handle their civil and criminal case load.

- Attorneys now know that the divorce case will be handled by a particular judge or the hearing officer who works under that judge, instead of going into the general assignment system where any one of 10 judges could be assigned the case. Attorneys can now actually advise their clients of the judges procedures and how the facts of their case may be viewed before the case is filed, instead of after the judge is assigned.

- The Court took the additional steps of initiating the development of a set of family law guidelines and with the help of a lawyers committee have published Family Law Guidelines that have become a practice manual for lawyers in Topeka. I am told that our guidelines are also being cited in other courts throughout the state. These guidelines, plus the single judge aspect, has resulted in more settlements, fewer trials and shortened the time period for resolution of

the average divorce case. For the last 6 months of 1991, the average age of a divorce case at the time of termination for Shawnee County was 71 days compared to Johnson County (93 days) and Sedgwick (104 days). State wide the average time for disposition of divorce cases is 80 days. Shortening the disposition time saves the clients time and money, plus it shortens the period of uncertainty while the divorce is pending. Expeditious processing of these cases is beneficial to both the parties and their children.

Our consolidation has allowed the judge, Administrative Hearing Officer and Court Services staff to focus on educating ourselves better. We have attended educational seminars which are devoted to unique issues in family law such as mediation and parental alienation syndrome. Our more specific training results in better decisions and better service to the parties and children involved.

The ability to focus daily on this one area has made me a more informed judge and this information, I feel, radiates out to the lawyers. The practice of domestic relations law has greatly improved in Shawnee County over the past year. Divorces are being processed with fewer hearings and shorter hearings. The lawyers who specialize in domestic work tell me that it has had the effect of lowering their personal stress level and their clients. I believe most of the lawyers who specialize will also tell you that their income from domestic practice has either increased or that it is

easier to make the same amount. The long range outcome should be less legal expense per case.

In the area of family law, timely referral and access to social services is very important. It is important for judges to know what resources are available and what can be effective intervention. This education only happens to a limited extent when a general assignment must be handled. Having one judge familiar with the social services available gives more uniformity, direction and support to Court Services staff in processing and managing the cases. It is hard to measure the benefits to families which result from early referral and good case management.

I believe that a family court can render smarter and more efficient judicial services than when these matters are handled as a part of a general jurisdiction court. I believe that there are economies that can be realized within the system, certainly as to time for processing and savings to the parties - possibly to the court system. I hasten to add that financial savings should not be an expectation in establishing a family court. There are several areas which presently are not funded by the state such as juvenile intake, or are underfunded which will be revealed as weak links by a better and more efficient system. I appreciate there are many questions and potential problems relative to establishing a family court. The planning period and pilot studies are a prudent beginning to learn both the proper questions and answers.

February 17, 1992

Representatives Kathleen Sebelius and Robert Krehbiel  
Members of the House Committee on Federal and State Affairs

House Bill 2691 will make a significant step in the implementation of a Family Court system in Kansas. Kansas can become a leader in the concerns of families and their problems if this bill is passed. House Bill 2691 will allow the beginnings of new ways to process the laws concerning families already in existence. With the pilot programs developed as a result of this bill, a Family Court system can be implemented throughout the state. I am optimistic that a Family Court system will work.

I do have some concerns which need to be expressed. The outcome of this endeavor must be to change the thinking of our courts and those who deal with them. We must remove the traditionally stereotypic biases that hinders justice in the administering of the law. Present laws concerning divorce and child custody have the presumption that both parents are considered equal in the best interest of the children. Presently, laws are not interpreted that way. The law is not the problem. The processing of the law is affected by many outmoded biases, and little concern is given for the real family needs. This bill can lead the way to a more logical and sensible way to process the law in favor of the family.

I can support a Family Court system only if it encourages access to both parents by children in the case of a divorce. The system must recognize the fact that fathers also are caring and nurturing. A system must be designed that will not give financial gain to child custody or restrict visitation. Children love both their parents and deserve the continued contact of both parents' love. Traditionally, little consideration has been given to the need of this continued contact with both parents beyond minimal visitation rights which is often under the control of one parent. It will be essential that programs be developed to equally enforce child custody, visitation and child support. The key word is equality.

There must be an equitable means designed to evaluate the pilot programs. The evaluation should not be left up to the courts or the legislature. Involvement of the individuals who have gone through the pilot program should be a priority in the evaluation process. Representatives from child and family advocacy organizations should be included. The success of the Family Court will be greatest when the aforementioned concerns are included. I feel that this bill should be enacted for the benefit of our children and families.

Sincerely yours,



Arthur Sandquist  
323 Franklin  
Topeka, Kansas 66606

House Federal & State Affairs  
February 17, 1992  
Attachment #5





... to protect  
and promote the  
well-being of children  
... to strengthen  
the quality of  
family life  
— since 1893

**Wichita District  
& Central Office**

1365 N. Custer  
P.O. Box 517  
Wichita, KS 67201  
(316) 942-4261

**Kansas City  
District Office**

Gateway Center Tower II  
Suite 729  
4th & State Ave.  
P.O. Box 17-1273  
Kansas City, KS 66117  
(913) 621-2016

**Topeka  
District Office**

2053 Kansas Ave.  
P.O. Box 5314  
Topeka, KS 66605  
(913) 232-0543

**Topeka  
Advocacy &  
Program Quality**

5500 SW 7th Street  
Lower Level  
Topeka, KS 66606  
(913) 272-8447

**Western Kansas  
District Office**

705 Ballinger  
Garden City, KS 67846  
(316) 276-3232

**FIELD OFFICES**

**Flint Hills**

227 Southwind Place  
Manhattan, KS 66502  
(913) 539-3193

**Emporia**

417 Commercial  
P.O. Box 724  
Emporia, KS 66801  
(316) 342-8429



**United Way**

Member Child Welfare  
League of America

Accredited by The Council on  
Accreditation of Services  
for Families & Children

**TESTIMONY BEFORE HOUSE FEDERAL AND STATE AFFAIRS**

**RE: HB 2691** An act relating to a family court system; establishing a grant program for certain projects.

**By: Melissa Ness JD MSW**  
February 17, 1992

**KANSAS CHILDREN'S SERVICE LEAGUE** is a statewide not for profit child welfare agency. We are a founding member of the Children's Coalition, a member of the Kansas Association of Licensed Private Child Care Agencies and a charter member of Child Welfare League of America. We are also accredited by The Council on Accreditation of Services for Families & Children.

We provide a variety of services largely based on community need. Perhaps the most pertinent services, given the subject of this bill include the following:

Family Foster Care Services--During 1991, we provided 28,327 days of care for 364 children. That represents a 10% increase in these services.

Juvenile Assessment and Intake Services--This service works with families who have a child that is being screened for removal from the home. The program goal is to be able to prevent unnecessary placement. In the last quarter alone we saw 133 youths and were able to assist almost 50% of the families to remain together. In all 704 youth were seen in this service in 1991.

Emergency Youth Shelter--During 1991 we served 331 twelve to eighteen year olds for a total of 6166 days of care. Last week we opened our Children's Shelter which serves children primarily ages six years through eleven.

We added a Case Management component to our Shelter programs with the goal of providing follow up case management services to families who have been reunified after their children have been in 48 protective custody.

The children we serve through these programs represent the reasons why we support HB 2692 with the following comments and recommendations.

over please

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Attachment #6

A family court should be considered because problems faced by children and families who have contact with the court system are growing more complex.

Today, families are experiencing problems and are waiting longer to seek assistance. The majority of families we see lack social supports and financial resources. Youth coming through our programs seem much more impulsive, less concerned with societal values and less invested in what the future holds for them. Many are seriously depressed and suicidal. In addition to resolution of legal issues, the court can no longer be an outside observer of the difficulties experienced by the families and children who come through their doors.

The pilot project should be given priority if it contains the following five criteria. The pilot should be:

- >family centered,
- >community based,
- >comprehensive,
- >integrated,
- >and preventive and interventive in nature.

Attention should be given to current state policy and plans aimed at strengthening families and reforming the child welfare system.

The Blueprint developed by the Special Committee on Children's Initiatives and the Family Agenda developed by SRS Youth and Adult Services should give a framework to the development of this pilot project.

Administration of this project should be done in close coordination with other established planning and oversight groups and other initiatives developed during this legislative session.

Entities such as the Advisory Commission on Juvenile offender programs, the Governor's Commission on Children and the Children and Youth Advisory committee should be included at a minimum at the planning stages. Additionally, attention should be given to any local initiatives such as the one proposed in SB 655 which would establish a children's community services planning group to work directly with the courts.

Close coordination with local family support services is a critical component of a successful pilot.

To avoid a new project being nestled into an "old system", attention must be given to defining services, understanding how those services are accessed and what role the people delivering those services can and should be playing.

Training for those associated with implementation of the project is crucial.

Well trained judges, attorneys and social workers will be key to the success of a pilot. Training should be given high priority. In addition to training those directly involved with the pilot implementation, others throughout the court system should be educated regarding the nature of and the need for a pilot of this nature.

We believe this bill is a serious and bold attempt at addressing the many concerns about the lack of coordination and the failure to recognize the needs of children and families in the court system. We urge your serious consideration.

#FSA  
2/17/92  
6-3

# KANSAS CHILDREN'S SERVICE LEAGUE ADVOCACY AND PUBLIC POLICY PROGRAM

## 1992 LEGISLATIVE PRIORITIES

### #1 NO CUTS IN PROGRAMS FOR CHILDREN

Decisions for allocating resources to specific programs should be made based on program effectiveness and not through arbitrary cuts. Gains made for children and families in the last few years must be at a minimum maintained.

### #2 SUPPORT INITIATIVES THAT STRENGTHEN THE FOSTER CARE AND SUBSTITUTE CARE SYSTEM

Foster care is an essential child welfare service option for children and parents who must live apart while maintaining legal, and, usually, affectional ties. KCSL believes that foster care is an essential and valuable service. However, it must be only one component of a broad national policy of supporting, strengthening and preserving families. Foster care must not be viewed as an illegitimate, destructive last resort, but as a valid part of the service repertoire and as the best arrangement for some children.

KCSL stands in strong support of a full array of quality out-of-home care options, including kinship care, emergency shelter care, treatment or specialized family foster care, and group and residential care--all with the primary goal of helping families reunite or helping children and youth to an alternative permanent plan.

### #3 SUPPORT INITIATIVES WHICH ADVANCE AND EXPAND INTENSIVE HOME BASED SERVICES FOR CHILDREN AND THEIR FAMILIES

Intensive home based services (also referred to as family preservation, in-home services, family-based prevention) is a program designed to support families in crisis so that their children can remain in their home. The goal is to teach families problem-solving skills and how to use existing family and community support systems to meet their own needs.

KCSL is committed to the development of a system of family preservation services and hopes to further the dialogue which will build a consensus of what it means to support families. It is our position that intensive home based services should be provided by both public and private sector agencies. This teamwork is critical in helping families stay together.

### #4 SUPPORT EXPANDED RESOURCES FOR FAMILIES NEEDING RESPITE CARE WITH SPECIFIC EMPHASIS ON PREVENTING INSTITUTIONALIZATION OF CHILDREN

Respite care is but one of the many family supports that should be available to strengthen and support families who have children with disabilities. The goal of Respite care is to alleviate the affects of parenting stress, prevent family breakdown, prevent unnecessary institutionalization of children.

KCSL believes Respite care should be fully funded to reach all families with special needs children. Special emphasis should be placed on emergency respite care services, training providers, and group support services for families.

HF 5A  
2/17/92  
6-4

**#5 SUPPORT EXPANDED RESOURCES THAT SUPPORT AND STRENGTHEN FAMILIES SEEKING TO ADOPT CHILDREN WITH SPECIAL NEEDS**

Increasingly, children who are free for adoption are referred to as "children with special needs". They are children who have a physical, emotional or educational disability, special health needs, minority children and older children as well as siblings who need to be placed together. There are 36,000 special needs children in the United States who are free for adoption and at least 50% of them are minority children.

KCSL is committed to adoption policies and programs which focus on ways to improve the capabilities of families who have children with special needs. When parental rights are terminated, the emphasis should be on providing children with permanent homes as quickly as possible and supporting adoptive families so that they may care for their own children. Thus, early identification of those needs is critical as well as resources to support families adopting children with special needs.

**#6 SUPPORT EXPANSION AND ALLOCATING RESOURCES TO STRENGTHEN THE HEAD START PROGRAM**

Head Start is a proven-to-work program which provides a quality early childhood learning experience for children from low-income families. It is a unique program because of its comprehensive and intense approach which focuses on supporting and strengthening families. Besides providing education, social activities, health, and nutrition, Head Start also emphasizes the importance of parental involvement.

KCSL is committed to expanding Head Start to reach a larger percentage of the eligible population. We believe funding Head Start is clearly a smart investment which will help keep families together.

*Approved 1/7/92 by the Advocacy and Public Policy Committee*



## **Domestic Court Services**

STATE OF KANSAS

TENTH JUDICIAL DISTRICT

**Johnson County**

GARY KRETCHMER  
DIRECTOR, DOMESTIC SERVICES

905 W. Spruce  
P.O. Box 787  
Olathe, Kansas 66061  
(913) 782-7252

Family Court Issues  
House Bill 2691  
Gary Kretchmer  
Director - Domestic Court Services  
Tenth Judicial District - Johnson County, Kansas  
February 17, 1992

I am a strong proponent of the Family Court concept in the State of Kansas. As the Director of Domestic Court Services in Johnson County, my staff has been involved with over 1,700 families in mediation and over 700 child custody evaluations since 1985. These divorcing families have disagreements about their children's living arrangements, access issues and basic parenting dilemmas. The Court operates out of a decision-making framework, not a problem solving mold. With the addition of divorce education classes, mediation, counseling, and case management, we are now just beginning to make some progress which benefits children and families.

The decision to focus on a Family Court model will allow our judges to closely look at the needs of children which are often lost or overlooked in adversarial proceedings. It will bring more consistency in decisions and allow those judges who are most interested in children's issues to focus their energies and expertise in this most important area.

Family Court will help foster the implementation of more non-adversarial methods to address disagreements about children. This will benefit both the Court and the families struggling with divorce and other child related issues.

*House Federal & State Affairs  
February 17, 1992  
attach #7*

Statement of Wade H. Bowie, Jr.

February 17, 1992

Gentlemen and Ladies, America is crying. America's children are in agony and anguish over the bludgeoning of the concepts of family and community into meaningless cultural constructs. Our children are victimized by the finger pointing we are all guilty of when we blame everyone but ourselves for the condition. We blame teachers, police, gangs, drugs, movies, music and "rap" lyrics, or just about any one but ourselves. Indeed, some go so far today even to blame Japan. The simple truth is the plight America suffers results from our own blind arrogance, stupid insensitivity, and irresponsible conduct while we selfishly indulge ourselves in the so called "good life."

I want to commend the Chair, the committee members and the staff of this committee for an exceptionally perceptive effort to deal with a social problem which is having devastating consequences on our very way of life. It is clear this committee genuinely understands the reality that the current procedure for responding to families in crisis is wreaking havoc on the lives of the children whom it is supposed to protect and is determined to develop and promote passage of legislative remedies which will correct this deplorable situation.

My credentials for speaking to you include the following:

- a. A father with two sons whose lives have suffered along the rocky road that children of divorce must frequently travel;

*House Federal & State Affairs  
February 17, 1992  
Attachment #8*

February 17, 1992

b. A student whose undergraduate work was in psychology and graduate work in sociology with emphasis in deviant behavior;

c. A professional who previously worked in the Alabama state prison system as a classification officer dealing with young men whose path down the road of crime often began as the victims of the faulty thinking which forced their family crisis of divorce to be resolved in an adversary proceeding.

d. A professional who has invested twenty-five years in the Army working with some of America's best and brightest youth and learning through many of them of the tribulations and outright cruelty many were forced to suffer at the direction of a process ill designed and staffed to carry out the responsibility of "providing for their best interest."

e. A professional whose present duties are focused on finding ways to reduce the significant threat drug abuse poses to our way of life;

f. A responsible citizen who, having recognized a problem which is unnecessarily having adverse effects on innocent children, has taken initiative to become personally involved in correcting it. For several years I have devoted much of my time to learning more about the problem - its causes and its consequences - and to assisting individuals and organizations whose goals are focused on bringing light to this dark corner. Among the organizations I have affiliation are: The National Congress for Men and Children (NCMC); The National Council for Children's Rights (NCCR); Men's Rights,



Statement of Wade H. Bowie, Jr.

February 17, 1992

Inc. (MR); The Joint Custody Association (JCA); Fathers are Parents Too (FAPT); Fathers for Equal Rights (FER) and others both formally and informally organized. I have also served as a delegate to the Army Family Action Symposium for four years.

f. A parent who has been victimized both as a person and as a parent by this medieval process.

When I learned of the opportunity to come before you I was delighted. I struggled to think of what I could say that would be of greatest value and consequence to your deliberation.

Realizing all the issues being addressed here today are very important, I would only ask you to recognize the effort you are about is only a beginning. It is a good start but it must not be the end. Change comes slowly so the legislative door must remain open. The good work by this committee must not be for naught but should continue, building upon the foundation being laid until our children are no longer victimized. We must create an environment for families in crisis that encourages cooperation between parents rather than forces them into adversarial positions. While there are, of course, exceptions to the rule, generally children need the constant attention, nurture, care and love of both parents even if those parents are no longer husband and wife. We must change the process that encourages and rewards feuding spouses for destroying the other parent, and replace it with one that encourages and rewards those who demonstrate a positive, cooperative attitude and willingness to accept parental responsibilities cooperatively. We

Statement of Wade H. Bowie, Jr.

February 17, 1992

must promote a sense and acceptance of responsibility for the whole child by both parents. We must recognize a family in crisis is not a legal problem but a relationship problem and deal with it accordingly. Our children deserve no less and our society can accept no less.

I have several enclosures which I offer for your consideration. I also offer you and your staff my time and energy as a continuing resource as you pursue the development of further legislation in this very important arena. In the meantime I ask you to consider an amendment to the present bill which directs a particular state agency to accept sponsorship of fully funded (private or federal) studies which are focused on family issues. For example, I am aware of Federal research, grant funds available from the Department of Health and Human Services for studies about access (i.e. visitation - parenting time for non-custodial parents). An applicant must have a state agency to sponsor the study if it is selected for funding. Frequently, state agencies are reluctant to sponsor these studies for any number of reasons. The findings which result from such research could be of great value and benefit to the children of Kansas. We should not fail to compete for such grants for want of a state agency sponsor.

Again I commend the chair and the committee and thank you for the opportunity to appear.

Testimony of Barbara Armstrong



0/207



House Federal State Affairs  
February 17, 1992  
Attachment #9

CHILD PROTECTION SERVICES  
NOTICE OF PROPOSED FINDING  
CY-2890

DATE OF MAILING: \_\_\_\_\_ LOCAL SRS OFFICE: KCAO  
TO: Christa Phillips, *15 year old honor student* FROM: Karen Williams, LBSW  
ATTENTION: \_\_\_\_\_ TELEPHONE NUMBER: (913) 371-6700  
ADDRESS: (STREET/P.O. BOX, CITY, STATE, ZIP) ADDRESS: (STREET/P.O. BOX, CITY, STATE, ZIP)  
6341 Cernech Social & Rehabilitation Serv.  
Kansas City, KS 66104 P.O. Box 171248  
Kansas City, KS 66117-0248

For your information Kansas City SRS Office, State Department of Social and Rehabilitation Services, has completed its investigation concerning a report of alleged sexual abuse implicating you as the perpetrator.

The agency proposes to find that you are responsible for such act. The basis of our proposed finding is:

The evidence collected and the interview(s) with the victim(s) and witness and/or witnesses indicate more likely than not you are the perpetrator.

Before a final decision is made on the proposed finding you have the opportunity to appear before (name) Robena Farrell, (title) Chief of Social Serv., (address) 4th & State, Gateway I, KC, KS, (phone) (913) 371-6700, ext. 352 or respond in writing or both concerning the proposed finding by (5 working days), (time) 5:00 p.m. At this time you may present your reasons or explanation as to why the proposed finding should not be made.

If you do not respond, the proposed finding will become final and your name may be entered on the Child Abuse and Neglect Registry. An individual placed on the registry is barred from employment, residence or volunteering in a day care center or boarding home for children. Further, the results of our investigation may be given to other governmental agencies.

cc: Glenda Davis

(6)

HF35A  
2/17/92  
9-2

CHILD PROTECTION SERVICES  
NOTICE OF AGENCY DECISION  
CY-2892

DATE OF MAILING: 11/21/90

LOCAL SRS OFFICE: KCAO

TO:

FROM:

Christa Phillips

Karen Williams, LBSW

ATTENTION:

TELEPHONE NUMBER: (913) 371-6700

ADDRESS: (STREET/P.O. BOX, CITY,  
STATE, ZIP)

ADDRESS: (STREET/P.O. BOX, CITY,  
STATE, ZIP)

6341 Cernech  
Kansas City, KS 66104

Social & Rehabilitation Serv.  
P.O. Box 171248  
Kansas City, KS 66117-0248

This is your notice of the agency decision in the matter of the investigation of  
the alleged

Sexual abuse of Jessica Armstrong

You were previously notified of our intent to identify you as the person responsible  
for the act described in the Notice of Proposed Finding dated 10/90. You were  
given an opportunity to provide any information which would affect the proposed  
finding.

- ( ) You failed to present additional information, therefore, the report is con-  
firmed and you are identified as the perpetrator.
- ( ) You presented additional information and having reviewed all of the infor-  
mation I have determined that the proposed finding is confirmed and you are  
identified as the perpetrator.
- (X) You presented additional information and having reviewed all of the infor-  
mation I have directed the proposed finding identifying you as the pepe-  
rator be withdrawn.

The basis for my decision is: after reviewing the information Barbara Armstrong  
and Mr. De Coursey gave the agency, in addition to the child's medical  
records and information from the police department, it appears more likely  
than not that you did not sexually abuse Jessica Armstrong.

RIGHT TO APPEAL DECISION - You may appeal a finding identifying you as as confirmed  
perpetrator by filing a request for fair hearing pursuant to K.A.R. 30-7-26 et seq.

CC: Colne Burn  
Jenny Hartwell  
Leann Robinson

(7)

House Fed. State Affairs  
2/17/92 9-3

CHILD PROTECTION SERVICES  
NOTICE OF PROPOSED FINDING  
CY-2890

DATE OF MAILING:

LOCAL SRS OFFICE: KCAO

TO:

FROM:

Candy Armstrong

Karen Williams, LBSW

ATTENTION:

TELEPHONE NUMBER: (913) 371-6700

ADDRESS: (STREET/P.O. BOX, CITY,  
STATE, ZIP)

ADDRESS: (STREET/P.O. BOX, CITY,  
STATE, ZIP)

6341 Cernech  
Kansas City, KS 66104

Social & Rehabilitation Serv.  
P.O. Box 171248  
Kansas City, KS 66117-0248

For your information Kansas City SRS Office, State Department of Social and Rehabilitation Services, has completed its investigation concerning a report of alleged sexual abuse implicating you as the perpetrator.

The agency proposes to find that you are responsible for such act. The basis of our proposed finding is:

The evidence collected and the interview(s) with the victim(s) and witness and/or witnesses indicate more likely than not you are the perpetrator.

Before a final decision is made on the proposed finding you have the opportunity to appear before (name) Robena Farrell, (title) Chief of Social Serv., (address) 4th & State Ave., Gateway I, KC, KS (phone) (913) 371-6700, ext. 352 or respond in writing or both concerning the proposed finding by (5 working days), (time) 5:00 p.m. At this time you may present your reasons or explanation as to why the proposed finding should not be made.

If you do not respond, the proposed finding will become final and your name may be entered on the Child Abuse and Neglect Registry. An individual placed on the registry is barred from employment, residence or volunteering in a day care center or boarding home for children. Further, the results of our investigation may be given to other governmental agencies.

cc: Glenda Davis

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House Fed & State Affairs  
2/17/92 9-4

CHILD PROTECTION SERVICES  
NOTICE OF AGENCY DECISION

CY-2892  
Rev. 5/90

DATE OF FINDING: 11/21/90 LOCAL SRS OFFICE: KCAO  
 TO: Mrs. Candy Armstrong FROM: Mrs. L. Janell  
 ATTENTION: Mrs. Candy Armstrong TELEPHONE NUMBER: (913) 371-6700x.352  
 ADDRESS: (STREET/P.O. BOX, CITY, STATE, ZIP) ADDRESS: (STREET/P.O. BOX, CITY, STATE, ZIP)  
6341 Cernesh Box 171248  
Kansas City, Mo 64104 KC Mo 64117-0248

This is your notice of the agency decision in the matter of the investigation of the alleged sexual abuse of Jessica Armstrong.

You were previously notified of our intent to identify you as the person responsible for the act described in the Notice of Proposed Finding dated 10/90. You were given an opportunity to provide any information which would affect the proposed finding.

- ( ) You did not present additional information, therefore, the report is confirmed and you are identified as the perpetrator.
- ( ) You presented additional information and having reviewed all of the information I have determined that the proposed finding is confirmed and you are identified as the perpetrator.
- (X) You presented additional information and having reviewed all of the information I have directed the proposed finding identifying you as the perpetrator be withdrawn.

The basis for my decision is:

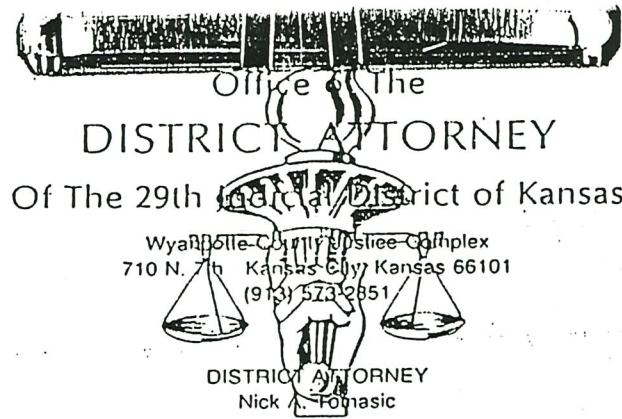
After reviewing the information Barbara Armstrong, Mrs. DeCoursey gave this agency, in addition to the child's medical records and information from the police department, it appears more likely than not that you did not sexually abuse Jessica Armstrong.

This Form Supercedes Form CY-2892, Rev. 6/87  
Distribution: White, Addressee; Yellow, File

CC: Gene Burns  
Jenny Hartwell  
Leann Robinson

(9)

HF 3SA  
2/17/92  
9-5



November 9, 1990

Chief of Police  
Kansas City, Kansas Police Department  
Municipal Office Bldg.  
701 North 7th Street  
Kansas City, KS 66101

ATTENTION: Det. Alford  
Child Abuse Unit

SUSPECT: CANDY ARMSTRONG & CHRISTA PHILLIPS  
KCKPD # 10300014481

Dear Det. Alford:

After reviewing the file, I decline to prosecute. Touching of the butt with no insertion does not amount to indecent liberties. The juvenile district attorney will have to review the charges against Christa Phillips.

If you have any questions, please advise.

Sincerely,

*Michael A. Russell*

MICHAEL A. RUSSELL  
Assistant District Attorney

MAR/mb  
CC: Bureau Commander

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HF3SA  
2/17/92  
9-6



CHILD PROTECTION SERVICES  
NOTICE OF AGENCY FINDING

Date Of Mailing 11-13-90 Local SRS Office: KCAO

To: Kiddi Kollege  
4708 Nekbraska  
Kansas City, KS 66102

From: Kansas City Area Office  
Post Office Box 171248  
4th and State Avenue  
Kansas City, KS 66117-0248  
Telephone: 913-371-6700 ext. 352  
Social Worker: Danella Hudson

~~\_\_\_\_\_~~

For your information, Kansas City Area SRS Office, State Department of Social and Rehabilitation Services, has completed an investigation concerning a report that \_\_\_\_\_ children in care have been (abused ~~or neglected~~). by Ms Candy Armstrong at Kiddi Kollege, intake date 10-25-90

The Agency has found the report to be:

- 1. Unfounded.
- 2. Unconfirmed, but eligible for services.
- 3. Unconfirmed but corrective action recommended
- 4. Confirmed.

The basis of the finding is as follows: Based on interviews and case documentation.

cc: Ms. Candy Armstrong o/o Kiddie Kollege  
Ms. Patty Kopek o/o Kiddie Kollege, Regional Director  
Ms. Geraldine Dolinar o/o Kiddie Kollege, Owner.

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HF/SA  
2/17/92  
9-7



Eaton at 36th Avenue Kansas City, Kansas 66103

Phone: (913) 831-9500

TONI J. TURNER  
PRESIDENT, BOARD OF DIRECTORS

Reply to:  Eaton at 36th Ave.  
 420 Park St. • Bonner Springs, KS 66012  
 3738 State Ave. • Kansas City, KS 66102 • (Tower Plaza)

STEVEN J. SOLOMON, PH.D.  
EXECUTIVE DIRECTOR

G. IBARRA, M.D.  
MEDICAL DIRECTOR

The following are conditions under which Wyandot Mental Health Center agrees to provide an evaluation in a situation where there are child sexual abuse allegations in divorce/custody/visitation court proceedings:

- (1) The residing judge appoints Wyandot Mental Health Center to conduct an **impartial** examination of the concerned parties.
- (2) We will be available to interview all members of the immediate family -- that is, the mother, father, and children for as many interviews as we consider warranted. In addition, we will have the freedom to invite any party in for a collateral interview, if that party is a possible source of useful information.
- (3) Information will be gathered primarily from the aforementioned clinical interviews. We reserve the right to utilize psychological tests, if they appear warranted.
- (4) In order to provide a full assessment, the parents shall agree to a modification of the traditional rules of confidentiality. Specifically, we must be given the freedom to reveal to one party what has been told to the therapist by the other party (at the therapist's discretion) in order that the therapist will have the full opportunity to explore all pertinent points with both parties.
- (5) The parties shall agree to sign any and all releases necessary for Wyandot Mental Health Center to obtain reports from others. This agreement includes past records as well as reports from professionals who may be involved with any of the parties at the time of the litigation.

Member



UNITED WAY

Wyandotte County Crisis Line, 24-Hour Phone Service — 831-1773

*IR* HF 3SA  
2/17/92  
9-8

- (6) Each evaluation session will be paid for prior to the session beginning. If there is a dispute between parties as to who is responsible for payment, then the evaluation will be discontinued until there is adequate resolution of the matter.
- (7) Both attorneys are invited to send Wyandot Mental Health Center any material that they consider useful to the therapist.
- (8) After receiving (1) the court order signed by the presiding judge, and (2) this document signed by both parties signifying agreement to the conditions of the evaluation, we will notify both parties that we are available to proceed with the evaluation as rapidly as is feasible. We cannot promise to meet a specific deadline because we cannot know in advance how many interviews will be required, nor can we predict how flexible the parties will be regarding availability for appointments that the therapist offers.
- (9) Upon completion of the evaluation, we will share the results of the evaluation with each party in order that they can have the opportunity to correct any distortions they believe the therapist has. After these conferences, the final report will be prepared and sent simultaneously to the court, the attorneys, and the parents.
- (10) If somehow Wyandot Mental Health Center is requested to evaluate for child sexual abuse by one party without the judge ordering an impartial examination of the concerned parties, we would have to closely question whether or not we could provide such an evaluation. The party would have to be aware that such an impartial examination would be what we would recommend to the judge, and that we would make no promise beforehand to support the requesting party's position. Also that points 2 through 6 would still apply, and points 7 through 9 would apply to the party which had engaged us, and their lawyer.

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2/17/92  
9-9

I have read the above, discussed the provisions with my attorney, and agree to proceed with the evaluation. I agree to pay my assigned fee in advance, and to provide my insurance information. I recognize the possibility that Wyandot Mental Health Center may not ultimately support my position in the litigation.

\_\_\_\_\_

Date

\_\_\_\_\_

Parent's Signature

060:4/20/90

1/31

HF 3SA

2/17/92

9-10



## Legislative Division of Post Audit

109 WEST 9TH, SUITE 301  
MILLS BUILDING  
TOPEKA, KANSAS 66612-1285  
(913) 296-3792

April 9, 1991

Barbara Armstrong  
6341 Cernech  
Kansas City, KS 66104

Dear Ms. Armstrong:

Thank you for your letter of 2/19/91. I am sorry to be so slow in replying. I have enclosed four reports that our office has issued in the past six months. These reports point out some of the significant shortcomings in the foster care system as it is currently operated in Kansas. Our job is to provide accurate information to the Legislature and make recommendations for addressing the problems we have found. With the issuance of these reports, we are confident that the Legislature and SRS are aware of the problems. We are also aware that correcting these problems will not be easy.

In the case of your grand-daughter, it appears that the judge did not give any weight to the testimony of the social worker, Miss MacIntosh, whom you described as biased against your grand-daughter. In this instance, the court system has apparently acted as the Congress and the State Legislature intended; that is, the court has provided oversight concerning this case, and weighed the evidence before reaching its decision.

If you continue to believe the conduct of the SRS social worker was not appropriate, you may want to bring your complaint to the attention of people in SRS higher management. Specifically, I would suggest writing or calling Ms. Robena Farrell, Ombudsman for the Kansas City Area Office, or Ms. Jan Waide, Director of the Children in Need of Care Program, in Topeka.

Sincerely,

Ron Green  
Senior Auditor

15  
HF<sup>3</sup>, SA  
2/17/92  
9-11

# Lessons from the squad car

When you spend your life on the force, you learn a lot about people. Ask Fairway Chief Roy Miller.

By James A. Fussell



"If we learn to be a little calmer . . . I think we'd be a lot further ahead," says Fairway Police Chief Roy Miller.

go ahead. Accuse Roy Miller, chief of police in Fairway, of being a throwback to an earlier age.

He knows it. Heck, he revels in it.

Before his first assignment, he never had a day of formalized police training, mandatory for today's recruits. He never attended one sensitivity class. He once thought the best way to keep known burglars out of his city was to "thump 'em" a little even if they hadn't

committed a crime that night.

rough around the edges?

Maybe.

That hasn't stopped him from learning a few things along the way, things such as patience, compassion and insight into human behavior. Over the years he has learned that families, and not just police officers, are the best defense against crime.

Miller, 51, has more than 27 years' experience, the longest as chief. These days he tries to pass along what he has learned to a younger generation of officers.

Brains before brawn and politeness before power, he tells the officers under his command. A revolver may be a police officer's best friend, but respect should be his most prized possession.

What is the best way for a police officer to diffuse tensions?

Most bad situations with our residents can be diffused by the words you use and your body language. If you treat everybody with respect and treat them like you'd want to be treated, you'll get respect from people and situations will calm down.

There have been times when I've walked up to a car over the years and the first thing out of a guy's mouth is, 'Why in the hell did you stop me? Why are you out doing something else? I'm not going to get a ticket.' So what I've done in the past is say, 'Well, I'm going to go get in my car, and then I'm going to come up again. And I hope your attitude is a lot better, because I'd certainly like to treat you with the courtesy and respect you deserve.'

Have you always operated that way?

**A.** When I first started I thought I was God's gift to the police world and nobody could do anything that I wasn't going to arrest them for. They either did what I said or it was off to jail. There are a lot better ways to handle things nowadays.

**Q.** If you could snap your finger, what kinds of human behavior would you change to lessen conflicts and reduce crime?

**A.** All sorts. I mean, how many times have you been pulled out into an intersection and maybe pulled out too soon and have some guy come by blaring his horn at you and (making an obscene gesture)? That just agitates everybody. If we learn to be a little calmer and a little more patient with people, I think we'd be a lot further ahead.

**Q.** What has being a police officer taught you about people?

**A.** It's taught me that people just don't seem to care about each other anymore. We'll see families break up that are so bitter that we end up having 30 or 40 calls at their house — disturbances, fights, child custody fights. You see things happen on the streets that never happened in Johnson County until the last 10 or 15 years — killings, street killings, street robberies.

**Q.** What's the problem?

**A.** I'd say it's the breakdown of the family. If families take care of the kids and the kids take care of the family, then you don't see the problems. But as soon as you see that family break apart, and

we're seeing it more and more, then you see a lot of problems.

**Q.** Disintegration of the family, crime — what's wrong with us?

**A.** It's the buck. The almighty dollar. Everybody wants to be rich and that causes a lot of problems. I don't think we were put here to just work and have good jobs. Our main job is to support and raise them. And if you are going to support them, you should take the time to raise them.

**Q.** What major lessons have you learned from your job?

**A.** I've learned that you've got to have a respect for the percent of people that are never going to meet society's standards. . . . But I've also learned that you have wonderful people in this community who are helping themselves on helping the police.

**Q.** What's your most satisfying experience as a police officer?

**A.** We got a call on a baby who had infant death syndrome. We got her in a police car, and took her to KU. We were running down the hallway to the emergency room with her and she started crying again. When we talked to the doctor, she was running with her probably started her life. As far as I know, today she is fine. That stuff really makes you feel good.

James A. Fussell is a writer for The

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HF3SA  
2/17/92  
9-12

# Many don't pay support

Fathers with visitation rights more likely to keep up, U.S. says

The Associated Press

WASHINGTON — Half of American men required to pay child support deliver less than ordered and one-fourth pay nothing at all, the Census Bureau said Thursday. Men are more likely to pay if they have the right to visit their children.

"In some cases there probably is a genuine inability to come up with the necessary funds," said Larry Jackson, Virginia's social services commissioner and head of the American Public Welfare Association's task force on child-support enforcement.

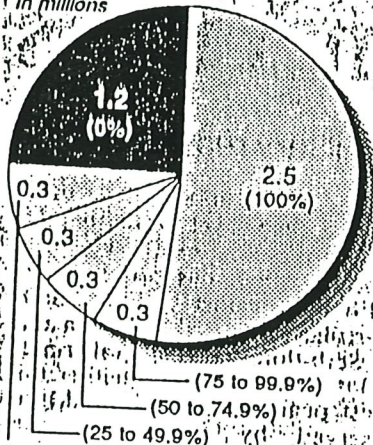
But there are cases where men just flat leave. They don't want to pay. They're angry at their spouse. Often, they couch this in terms of, "If I can't see my children, I'm not going to pay child support. That's what we hear most often."

The bureau said that in 1989, eight of 10 fathers with visitation rights paid child support, and nine of 10 with joint custody paid. Fewer than half those without such rights paid support. A little more than half of the fathers without custody had the right to visit their children in 1990. Less than one in 10 had

## Child support

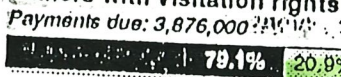
Breakdown of 4.9 million payments due in 1989, followed by percent of payment received:

In millions

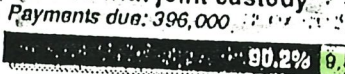


Percentage of payments received from:

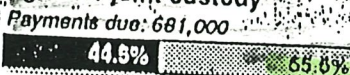
Fathers with visitation rights



Fathers with joint custody



Fathers without visitation rights or joint custody



Total payments due: 4,953,000

Note: Figures are for women 15 years and older with own children under 21 years of age.

Source: U.S. Census Bureau. AP  
 it's a disaster for children in many cases," said Cliff Johnson, family support director of the Children's Defense Fund. "The economic strains on families are

# German

The Associated Press

BONN, Germany — Seeking to check violence against foreigners while halting a flood of immigration, German leaders announced Thursday that they would place tens of thousands of new refugees in camps.

The agreement by Chancellor Helmut Kohl's governing coalition and the main opposition Social Democrats would be the first step in tightening Germany's asylum process, now among the most liberal in the world.

The current rules were drawn up after World War II in atonement for the Nazis' mistreat-

## Civil rights le

The Associated Press

BOSTON — A committee of scholars said Thursday that civil rights leader Martin Luther King Jr. plagiarized passages in his dissertation for a doctoral degree at Boston University.

"There is no question but that Dr. King plagiarized in the dissertation by appropriating material from sources not explicitly credited in notes, or mistakenly



Use \*key to interrupt a message.

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**Most judges** have 35 to 40 cases on their individual calendars [every day], and they have an average of 10 minutes to spend on each case. Five years from now, with double the caseloads, the judges will have not 10 minutes, but **five minutes to determine each child's fate and each family's future.**

— THE HONORABLE  
PAUL BOLAND  
Presiding Judge at Los Angeles County Juvenile Court,  
Los Angeles, California

*You see your mother and elder sister sitting on the porch. Your mother says, "I failed you. I can't have you any more."*

*And then a stranger comes, a police officer, and tells you to leave with them. Now, you being a youth, and not knowing what's going on, you reject it, and you struggle, and you run. But then the police officer handcuffs you and puts you in back of the police car, and then you take a long trip, not to a relative's house, not to a friend's house, but a place like [an emergency shelter], a place you never even heard of before.*

*And your first thought is, "Am I in jail? Is this juvenile hall?" Someone explains what foster care is. No one explains it's okay, you didn't do anything, until you go to a courtroom one day and you see a man sitting behind a bench and you see a lot of secretaries and clerks. But no one still explains it to you. But you're a 13-year-old, sitting, wondering what happened to you.*

*Two days later they tell you you're a foster kid for the first time. What is a foster kid? So you look it up in the dictionary and it's a substitute for something. So...you're 13, you're thinking, "I'm a substitute for a kid." I mean, I'm not a kid anymore, I'm only a substitute for it.*

It is not difficult to understand why children who are removed from their homes and families feel helpless. Most come from highly stressful family environments in which they were powerless to protect themselves from abuse or neglect. Removal from their families represents yet another event beyond their control. While in substitute care, some children suffer repeated unanticipated moves; contact with their parents and siblings is controlled by others. As a result, many develop a profound sense of powerlessness. Their immediate situation and their opportunities for the future appear to be beyond their control.

Many children who spend part of their childhood in out-of-home placements become able and productive adults despite their traumatic experiences. Too many others, however, develop an impaired self-image, encounter difficulty in establishing emotional intimacy, and suffer an unresolved sense of loss.<sup>2</sup> Some remain sensitive to their former status as foster children and compare themselves to the persons they believe they might have become had they been reared by their biological families.<sup>3</sup>

Although information on the population of children living apart from their families is limited by inadequate data collection, existing estimates indicate that the number of children in foster care has increased over the past several years, reversing declines in the late 1970s and early 1980s. In 1977 an estimated 502,000 children were in foster care.<sup>4</sup> By 1980 this number had dropped to 302,000<sup>5</sup>, and it declined further to a low of 275,000 in

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FALL 1989

(1)

- 1.) MY SON & HIS WIFE WERE DIVORCED. THEY HAD DAUGHTER BORN 5-29-87
- 2.) THE MOTHER WOULD NOT ALLOW HIM OR HIS SIDE OF FAMILY TO SEE THE CHILD EVEN THOUGH JOINT CUSTODY HAD BEEN GRANTED. (NOT ENFORCED)
- 3.) MY SON AND HIS ENTIRE FAMILY WERE DEPRIVED OF VISITATIONS WITH A GRANDDAUGHTER THEY DEARLY LOVE.
- 4.) NO VISITATION IN PLACE, WE WERE SIMPLY LEFT IN LIMBO.

THE NIGHTMARE BEGINS :

(2) MARCH 1990

- 1.) WENT TO COURT SEEKING VISITATION FOR FATHER AND PATERNAL GRANDPARENTS.
- 2.) WERE GRANTED 1 WEEKEND A MONTH AND HAD 1 WEEKEND VISITATION IN MARCH AND 1 WEEKEND IN APRIL.
- 3.) THE MOTHER THEN TOOK US BACK INTO COURT TO HAVE VISITATIONS STOPPED WITH ACCUSATIONS THAT THE FATHER AND PATERNAL GRANDMOTHER HAD SEXUALLY ABUSED THE CHILD. NO MEDICAL DOCTORS OR HEALTH CARE PROFESSIONALS WERE INVOLVED AT THIS TIME , YET THE COURT CHOSE TO DENY MY SON VISITATION, WHEN I DARED TO ASK WHAT WAS HAPPENING, THE JUDGE THEN TOOK AWAY ALL GRANDPARENTS RIGHTS TO VISITATION AS WELL.

(3) THERE WAS NO VISITATION FOR 7 MONTHS  
MOTHER RE-MARRIED (AUGUST 1990)

- 1.) WE THEN REPLACED ONE OF OUR ATTORNEYS AND RE-FILED FOR VISITATION IN SEPTEMBER 1990.
- 2.) WENT BEFORE JUDGE IN OCTOBER OF 1990 , WERE GRANTED VISITATION ON THE WEEKEND OF \_\_\_\_\_ . VISITATION WAS TO BE AT PATERNAL GRANDPARENTS HOME BECAUSE THE FATHER LIVED IN THE STATE OF MISSOURI.
- 3.) THE ONLY OTHER GRANDCHILD IS A 15 YEAR OLD GRANDDAUGHTER, WHO LIVED WITH US, SHE WAS AN HONOR STUDENT ATTENDING SUMNER ACADEMY AND HAS BEEN A FINALIST IN THE MISS KANSAS TEENAGE AMERICA PAGEANT. A TRUELY ALL AMERICAN CHILD WHO WE ARE EXTREMELY PROUD OF.
- 4.) THIS VISIT WAS THE FIRST TIME THE 15 YEAR OLD HAD SEEN HER COUSIN IN 7 MONTHS. OUR YOUNGEST GRANDDAUGHTER WAS 3 1/2 YEARS OLD AT THIS VISIT AND WAS ONLY 2 YEARS 10 MONTHS OLD AT THE PREVIOUS VISIT .

- (1) OUR OLDEST SON AND HIS WIFE HAVE AN APARTMENT ON OUR PROPERTY.
- (2) OUR DAUGHTER IN-LAW WAS WORKING IN DAYCARE AND WAS GOING TO COLLEGE TO BECOME A DAYCARE DIRECTOR.
- (3) THE COUPLE HAD APPLIED TO ADOPT A CHILD AND ATTENDED CLASSES TO EDUCATE THEMSELVES IN THE ADOPTION PROCESS.
- (4) EVERYONE HAD A MARVELOUS VISIT WITH THE CHILD AND A PARTICULARLY FUN VISIT BECAUSE WE HAD NOT SEEN HER IN SUCH A LONG TIME.

**(5)**

(1) IMMEDIATELY FOLLOWING THE VISIT, MOTHER REPORTED TO SRS THAT 15 YEAR OLD GRANDAUGHTER AND 23 YEAR OLD DAUGHTER IN-LAW HAD "TOUCHED" THE YOUNGEST GRANDAUGHTER IN AN IMPROPER MANNER AND CLAIMED AT THAT TIME TO HAVE A DOCTORS REPORT TO SUBSTANTIATE THESE ALLEGATIONS.

**(6)**

**NOVEMBER 1990**

- 1.) RECEIVED LETTERS FROM SRS PROPOSING TO FIND OUR 15 YEAR OLD GRANDAUGHTER AND OUR DAUGHTER IN-LAW GUILTY (COPIES ENCLOSED) . NO ONE IN OUR FAMILY HAD EVER EVEN BEEN SEEN OR SPOKEN TO.
- 2.) RECEIVED CALL FROM POLICE DEPARTMENT ASKING GRANDAUGHTER AND DAUGHTER IN-LAW TO COME IN TO BE QUESTIONED .
- 3.) THEY DID THIS GLADLY TO CLARIFY WHAT HAD BECOME A HORRIBLE SITUATION !
- 4.) AFTER QUESTIONING - DETECTIVE JOHN ALFORD CAME TO THE CONCLUSION THAT OUR YOUNGEST GRANDAUGHTER HAD BEEN COACHED, SO THAT ALL CONTACT WITH FATHER AND PARTERNAL FAMILY WOULD BE SEVERED.

**(7)**

MOTHER TOOK US BACK INTO COURT TO HAVE VISITATIONS STOPPED. THE JUDGE DID NOT STOP OUR VISITATION, BUT ASKED ALL PARTIES CONCERNED TO UNDERGO EVALUATIONS AND THAT DUE TO THE SITUATION ASKED THAT OUR OLDEST GRANDAUGHTER & DAUGHTER IN-LAW NOT BE AT THE HOME DURING THE VISITS TO PROTECT THEMSELVES FROM FURTHER ACCUSATIONS. WE READILY AGREED, DETECTIVE ALFORD TESTIFIED ON OUR BEHALF AT THIS HEARING.

**(8)**

1.) SPOKE WITH SRS , THEY HAD RECEIVED DOCTORS REPORT THAT NOT ONLY INDICATED NO SIGNS OF ABUSE BUT FURTHER STATED THAT THE MOTHER OF OF THE 3 YEAR OLD ACTED SO IRRATIONALLY THAT THE DOCTOR HUNG UP ON HER.

**(9) NOVEMBER 1990**

1.) RECEIVED LETTER FROM SRS CLEARING BOTH 15 YEAR OLD GRANDAUGHTER AND DAUGHTER IN-LAW OF ANY AND ALL ACCUSATIONS.

**(10)**

1.) OBTAINED LETTER FROM ADULT DISTRICT ATTORNEY STATING THAT WHAT DAUGHTER IN-LAW HAD BEEN ACCUSED OF AND SUFFERED FOR WAS NEVER A CRIMINAL ACTION.

2.) HAD COURT HEARING ALLOWING DAUGHTER IN-LAW TO BE PRESENT DURING VISITATIONS AGAIN.

NOVEMBER 1990 (CONT.)

1.) WAS NOTIFIED BY SHERRY COX - JUVENILE DISTRICT ATTORNEY THAT SHE CHOSE TO PROSECUTE MY 15 YEAR OLD GRANDAUGHTER ( BASED ONLY ON THE CONVERSATIONS SHE HAD WITH MY 3 YEAR OLD GRANDAUGHTER ) MS. COX WAS FULLY AWARE THAT THE KANSAS CITY, KANSAS POLICE ( DET. JOHN ALFORD), AND THE SRS CONSIDERED THESE CHARGES AND ALLEGATIONS TO BE UNFOUNDED AND UNWARRANTED.

(12)

1.) MOTHER TOOK 3 YEAR OLD TO WYANDOT MENTAL HEALTH WHERE SHE SAW A ROCHELLE STELTZER AS AN EVALUATOR.

DECEMBER 1990

2.) " EVALUATIONS " STARTED AT WYANDOT MENTAL HEALTH FOR MYSELF THE GRANDMOTHER, THE CHILDS FATHER, THE CHILDS AUNT, AND THE CHILDS OWN COUSIN, MY OLDER GRANDAUGHTER.

(14) JANUARY 1991

1.) TRIAL BEGAN IN JUVENILE COURT FOR MY 15 YEAR OLD GRANDAUGHTER, THE TRIAL STOPPED MID-WAY AND WAS RE-SCHEDULED FOR FERUARY 1991.

(15) FEBRUARY 1, 1991

1.) MOTHER TOOK US BACK TO CIVIL COURT ALLEGING THAT MY 15 YEAR OLD GRANDAUGHTER HAD DEFIED THE COURT ORDER AND WAS ACTUALLY IN MY HOME AND HAD " TOUCHED " MY 3 YEAR OLD GRANDAUGHTER IMPROPERLY AGAIN !

2.) WE WERE ABLE TO PROVE TO THE SATISFACTION OF THE COURT THAT MY 15 YEAR OLD GRANDAUGHTER WAS IN FACT NOT IN THE HOME ON THAT WEEKEND AS ALLEGED BUT RATHER WAS SPENDING TIME WITH A GOOD FRIEND, FROM A GOOD CHRISTIAN FAMILY, SHE WAS NOT PRESENT IN THE HOME AND THERFORE COULD NOT HAVE DONE WHAT SHE WAS ACCUSED OF.

\*PRESENT AT THE HEARING WERE :

SHERRY COX - JUVENILE DISTRICT ATTORNEY

DETECTIVE LEO CLEGG -(KANSAS CITY, KANSAS POLICE DEPARTMENT) WHO ADMITTED THAT HE WAS THOROUGHLY CONFUSED BY THE SITUATION.

KATHRYN MAC INTOSH - (SOCIAL WORKER) WHO TESTIFIED THAT SHE THOUGHT MY 15 YEAR OLD GRANDAUGHTER DID THIS EVEN IF SHE WAS NOT PRESENT. STATEMENTS SUCH AS THIS ARE A MATTER OF RECORD. WAS THIS 15 YEAR OLD GIRL BEING HOUNDED AND PERSECUTED !

WE THINK SO ! *15 year old was totally cleared of these charges!*

FEBRUARY 1991

SECOND HALF OF TRIAL BEGINS

1.) WE ARE TOLD AT THE OUTSET THAT THE JUDGE WAS LEANING TOWARD A GUILTY . . . . . EVEN WITH ALL THAT HAD TRANSPIRED AND WITHOUT HAVING HEARD ANY OF OUR EXPERTS TESTIMONY, AND IN ADDITION HAVING A NEGA-TIVE DOCTORS REPORT.

2.) WE WERE TOLD THAT IF WE WOULD STOP THE TRIAL AT THAT POINT MY 15 YEAR OLD GRANDAUGHTER WOULD BE CLEARED UPON COMPLETION OF HER EVALUATION.

WE HAD NO CHOICE BUT TO ACCEPT !

PG. 3

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MAY 1991 (CONT.)

- 1.) EVALUATIONS WERE COMPLETED BY MAY OF 1991.
- 2.) WENT TO PICK UP WRITTEN RESULTS MAY 21, 1991
- 3.) WAS TOLD AT THAT TIME THAT WYANDOT MENTAL HEALTH WANTED US ALL TO TAKE LIE DETECTOR TESTS AT A COST TO US OF SOME \$600.00 , FURTHERMORE THEY WOULD NOT ACCEPT A TEST FROM MY 15 YEAR OLD GRANDAUGHTER UNLESS WE ALL TOOK TESTS. WE WERE ALSO TOLD EARLY IN THE EVALUATION PROCESS THAT ~~■~~ THEY, (WYANDOT MENTAL HEALTH), WOULD PROBABLY NEVER BE ABLE TO SAY WHETHER OR NOT THIS HAPPENED OR NOT.
- 4.) MS. ROCHELLE STELTZER OF WYANDOT MENTAL HEALTH TESTIFIED AGAINST MY 15 YEAR OLD GRANDAUGHTER, IN JUVENILE COURT, VERY EARLY ON IN THE EVALUATIONS.
- 5.) IF MS. ROCHELLE STELTZER HAD ALREADY MADE UP HER MIND AS TO MY GRANDAUGHTERS GUILT WHY DID THEY EVEN CONTINUE THE EVALUATIONS ?
- 6.) IT SEEMED AS IF THE SYSTEM WE TRUSTED TO PROVE OUR INNOCENSE HAD ALREADY PRE-JUDGED MY GRANDAUGHTER AND CONTINUED THE EVALUATIONS IN HOPES OF BUILDING A CASE THAT NEVER EXISTED AGAINST HER IN THE FIRST PLACE.
- 7.) WE REFUSED TO TAKE THE LIE DETECTOR TESTS FOR ONE REASON ONLY THEIR INACCURACY .

**AUGUST 1991**

- 1.) MY 15 YEAR OLD GRANDAUGHTER MOVED TO ANOTHER STATE .

**(17)**

- 1.) WE BECAME INCREASINGLY AWARE OF THE TREMENDOUS EMOTIONAL ABUSES OUR 3 YEAR OLD GRANDAUGHTER WAS SUFFERING. SHE HAS BEEN SUBJECT TO NOT ~~1~~ BUT 2 FULL RAPE EXAMINATIONS (PHOTOS, ETC.) AT K.U. MEDICAL CENTER WITHIN 6 MONTHS. *Absolutely nothing found.*

**(18) SEPTEMBER 1991**

- 1.) WE WERE ADVISED THAT THE MOTHER AND CHILD WERE MOVING TO THE STATE OF GEORGIA TO LIVE WITH HUSBAND/ STEP FATHER WHO HAD BEEN TRANSFERED THERE.

**SEPTEMBER 19 & 20 1991**

- 1.) WENT INTO COURT WITH CHILDS FATHER ASKING FOR CUSTODY BECAUSE OF EXTREME EMOTIONAL ABUSES TO HIS CHILD, AND FEAR FOR HER WELFARE IF TAKEN OUT OF STATE.

**(19)**

- 1.) AFTER 2 DAYS OF TESTIMONY THE JUDGE WHO IS NOTED FOR NOT GIVING FATHERS CUSTODY DID NOT CHANGE CUSTODY BUT INSTEAD TOOK IT UNDER ADVISEMENT AND GRANTED THE FATHER 2 MONTHS VISITATION TO MAKE UP VISITATIONS MISSED BECAUSE OF MOTHER.
- 2.) THE CHILD WAS WITH HER FATHER AND AND OUR FAMILY FROM OCTOBER 1, 1991 - DECEMBER 1, 1991.

**(20)**

- 1.) BEAR IN MIND THAT WE WENT TO COURT ON SEPTEMBER 19TH & 20TH ON SEPTEMBER 11, 1991 , THE MOTHERS NEW HUSBAND HAD FILED FOR A ANULLMENT . PROVING THAT AT NO TIME HAD SHE EVER REALLY PLANNED ON MOVING TO GEORGIA. ALL OF THE MISERY AND EXPENSE OF THIS WAS FOR NOTHING.

**(21) DECEMBER 1991**

- 1.) CALLED HEARING TO MAKE JUDGE AWARE OF PERJURED TESTIMONY. HE DID NOT ACT ON THAT , BUT DID RESTORE TWICE A MONTH VISITATION.

PG. 4

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WEEKEND DECEMBER 14, 1991 - HAD OUR SCHEDULED VISITATION  
WEEKEND DECEMBER 28, 1991 - HAD OUR SCHEDULED VISITATION

**(22) JANUARY 11, 1992**

- 1.) HAD SCHEDULED VISITATION
- 2.) RECEIVED PHONE CALL FROM MOTHER OF CHILD ACCUSING ME OF SEXUALLY ABUSING THE CHILD. (CONVERSATION IS ON TAPE)

**(23)**

*VILE*

- 1.) ON THE MONDAY FOLLOWING THESE ~~VERY~~ ACCUSATIONS I WENT TO :

- A.) MY SONS LAWYERS OFFICE WITH TELEPHONE TAPE.
- B.) WYANDOTTE COUNTY COURT SERVICES ( MICKEY JAMES ).
- C.) JUVENILE COURT ( MARSHA POWELL ).
- D.) SRS ( MS. VANDEBOOM )
- E.) KCK POLICE DEPARTMENT ( DET. KRISTOLIC ).

**NO ONE COULD DO ANYTHING FOR US !**

**(24)**

- 1.) ON THE WEDNESDAY FOLLOWING ACCUSATIONS WE WERE TOLD THAT THE MOTHER AND CHILD WERE LEAVING THE STATE AGAIN.

**IN CONCLUSION : LET ME POINT OUT THAT THE OLDEST SON AND HIS WIFE WERE DENIED ADOPTION.**

**DAUGHTER IN - LAW NO LONGER HAS A CAREER IN CHILD CARE.**

**FATHER HAS NO ADDRESS FOR HIS CHILD.**

**THERE IS NO VISITATION IN PLACE.**

*A 15 year old had her life totally disrupted !*

**AND**

**WORST OF ALL THERE IS A 4 1/2 YEAR OLD CHILD WHO HAS BEEN EMOTIONALLY AND PHYSICALLY BATTERED AND IS AT THE MERCY OF A MOTHER WHO'S ONLY CONCERN IS HERSELF AND WHAT SHE WANTS.**

**WE FOUND NO JUSTICE IN WYANDOTTE COUNTY. WE ARE NOT ALONE.**

**THERE IS A TREMENDOUS NEED FOR FAMILY COURTS WITH PEOPLE TRAINED TO DEAL WITH THESE CASES THIS, OF VITAL IMPORTANCE TO THE CHILDREN.**

## TESTIMONY ON FAMILY COURTS

By

Professor Linda D. Elrod\*  
Washburn University School of Law

1. Article from a presentation given at National Policy Institute, September, 1991.
2. Recommendations for a Model Family Court, 1991  
National Council of Juvenile and Family Court Judges
3. American Bar Association Standards for Juvenile Justice -  
Court Organization, 1980

*Professor Linda D. Elrod teaches family law, real property law and comparative law at Washburn University School of Law. She is serving a second term as a member of the Executive Council of the Family Law Section of the American Bar Association and has been chairman of the Amicus Curiae Brief Committee since 1988. She is Associate Editor of the Family Law Quarterly and will become editor in August, 1992. She is former chairperson of the Family Law Section of the Kansas Bar Association, author of a two volume handbook/treatise, Kansas Family Law, and served as Vice Chairman of the Kansas Commission on Child Support. She currently serves on the Topeka Bar Association Family Court Committee. She has attended national interdisciplinary conferences dealing with problems of children in the court system, one at Wingspread in Racine, Wisconsin, in October, 1988, and another at Ripon, Wisconsin in April, 1991.*

*House Federal & State Affairs  
February 17, 1992  
Attachment #10*

In the past twenty-five years, there has been an increasing federalization of the law which has had an enormous impact on the family. Federalization has come about through decisions of the United States Supreme Court and through federal legislation that preempts state action in some areas.

As part of the New Deal programs in the 1930s, Congress established the "Aid to Families with Dependent Children" program, mainly to support children whose fathers had died. The numbers of those needing assistance grew rapidly. Within twelve years of the program's inception, the majority of those seeking welfare were single mothers with children whose fathers were alive but absent from the home. So the first child support initiatives began. Because of state reliance on federal monies to operate the welfare system, the federal government has been able to dictate activities once run by the states, especially in the establishment and enforcement of child support.

Here is just a sampling of the type of federal legislation that has changed the face of family law: Social Security Act and amendments (established IV-D agencies in every state); Child Support Enforcement Amendments of 1984 (expedited process for establishing and enforcing support orders, wage withholding and advisory child support guidelines); Family Support Act of 1988 (presumptive child support guidelines, mandatory withholding after 1994 and periodic modifications of both guidelines and support); Bankruptcy Code of 1979 and amendments; Medicaid; Tax Reform Act of 1984; COBRA, the Consolidated Omnibus Rehabilitation Act of 1986 (extended dependent health care benefits); Employment Retirement Income Security Act (ERISA); REA, the Retirement Equity Act (spouses can reach retirement benefits in qualified plans); and the PKPA, the Parental Kidnapping Prevention Act of 1980 (full faith and credit to other state custody decrees).

Within the same time period, the United States Supreme Court has recognized the right to individual and marital privacy; upgraded the status of children born out of wedlock; afforded children in delinquency proceedings some of the same rights as adults; stricken regulations that discriminated on the basis of gender; and protected family autonomy.

Most federal legislation has been like a patchwork quilt to cover perceived holes in the existing system. Supreme Court decisions have reflected societal attitudinal changes. But are the fragmented laws and decisions helping or hurting the institution of the family? The continuing high divorce rate, the rise in out-of-wedlock births and the mobility of today's society continue unabated. The instability of the family, increasing societal ills and the impoverishment of children call out for a new comprehensive approach.

The legal and social changes that have taken place pose chal-

lenges for us as individuals and collectively as educators and as a society. To begin the development of new policies, we need to examine some of the current conflicts presented by our society.

### Most Families Do Not Fit the Traditional Model

Robert Frost said, "Home is the place where, when you have to go there, they have to take you in."

We continue to carry this image of home as the refuge from the worries of the world where mom will be in the kitchen waiting with freshly baked cookies and milk when you return from a hard day. Home where you go for peace, quiet and reassurance.

To quote Roseanne Barr, "Get real." Many homes more closely resemble the Bermuda triangle.

Less than 15 percent of today's American families meet the model of one wage earner, stay-at-home wife and two children. Single parent families and two-working-parent families constitute the majority. Working wives and mothers have increased from 5 percent in 1890 to 35 percent in 1965, and to 64 percent in 1990. Seventy-five percent of all divorced women work. The Census Bureau tells us that half of mothers with children under three work outside the home.

Inflation has made two-income families a necessity. The basic American middle class package of home, car, food, health insurance and education has skyrocketed in the past twenty years. House prices have quadrupled since 1975. Car prices have at least doubled. Monthly health insurance payments today are larger than the size of the house payment for a house purchased in the 1970s. A college education at any of the nation's top schools can cost a family \$14,000 + per year. Federal taxes are higher for three out of four people today than they were in 1977 because of tax "reform." Families have less money to spend because taxes and inflation have more than made up for gains in income.

Teenage pregnancy and divorce have created a large increase in the number of single parent households. Ninety-one percent of children lived with two natural parents in 1955; only 75 percent did in 1985. Twenty-four percent of children live with one parent, usually the mother. Forty percent of children living in female headed households fall below poverty level. Children are the new poor. Studies show that behavioral problems in school are two to three times higher for children in single parent homes or families with a stepparent. (*Scholastic Update*).

Seventy percent of divorced persons remarry. An assortment of stepparents, step-siblings, live-ins or other persons may come go. These blended families create a different set of problems with jealousy, discipline, the potential for abuse and fear of attachments.

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# Increasing Understanding of Public Problems and Policies — 1991

## OF DIVORCE, CHILDREN AND NATIONAL POLICY

Linda D. Elrod  
Washburn University School of Law

*"It takes a whole village to raise a child."*  
- African Proverb

Global Competitiveness,  
Productivity and Social Impacts

Public Policy Education Methods

Policy for Environment  
and Economic Development

Rural Resource Development  
and Work Force Productivity

Political Economy  
of the Dysfunctional Family

The family has often been described as the "cornerstone" of society. The family remains the unit best suited to providing the love, emotional support, caring and instruction children need to survive and to become healthy, happy citizens. Although the composition of families continues to change, families are the source of our roots. Just as trees need roots to make them sturdy and tall, children need roots to develop into caring, productive adults. Today, however, the roots are being pulled out in all sorts of ways. As the roots die, our society crumbles.

American families today are in trouble. Signs of the problems are everywhere. The United States has some of the worst statistics on family problems of all of the industrialized societies, including the highest divorce rates, highest incidence of drug and alcohol abuse, highest rate of adolescent pregnancy, school drop outs, juvenile crime, intrafamily violence and adolescent suicide.

The National Center for Health Statistics in 1989 found that emotional and behavioral problems have become the new morbidity affecting 10 million children. The major factors contributing to these problems were dysfunctional families resulting from either divorce; children born out of wedlock; intrafamily conflict; single parent households with low income and low education levels; or mental defects incurred at birth.

The federal government lacks a comprehensive, coordinated and integrated family policy. Work and family issues are intertwined with a nation's perspective on the importance of children in society. We have no such policy. Congress traditionally has talked much and done little to focus on the needs of the American family. Some say we provide less support for families than any other industrialized nation in the world except South Africa.



Much post-divorce litigation today occurs because a custodial parent remarries and wants to move the children to another state because of a new spouse's job.

In single-parent and two-working-parent households, who is watching the children? Far too often no one. Day care costs average over \$2,000 a year. One report indicates that most teenage girls get pregnant at 4:00 o'clock in the afternoon. Many children go home to an empty house and are alone from one to three hours. The term "latch key" kids has come into common usage. Some single parents work nights. Television, Nintendo or gangs have taken over the free time of many children who have no family structure and too much time to kill.

The intact family has become isolated from extended family and old friends. We have become, as was predicted, a "nation of strangers." Families no longer live where their parents did. The average family moves every three or four years. Family and friends are strewn geographically across the nation. People may not even learn their neighbors' names. Children have little time to form lasting attachments. A child may change neighborhoods and schools several times during childhood. AT&T wants you to "reach out" and MCI has a special plan to call friends and family. Telephone contact cannot substitute for grandma or grandpa being able to help out in an emergency or for a friendly neighbor.

The frantic pace of life places incredible stress on families. Lack of money is a constant problem. In two-parent families, both parents are tired when they get home from a day at work. Repeated studies show that women still do the majority of the housework and child care. In single-parent households, the stress is magnified. The average family has a child care crisis every three months. Inadequate child care leads to absenteeism and loss of productivity. Everyone wants an old fashioned "wife" to bake bread, wash and iron the clothes and keep the house in order.

Colorado Representative Patricia Schroeder said, "I think the average American family feels like a little hamster in a wheel. You run and you run and at the end of the year you are still in the box on the wheel and your tongue is hanging out." In July President Bush announced that the recession was over. Tell that to the average American family whose tongue is still hanging out.

### **Society Assesses Worth by Job and Productivity**

Ten years ago a law professor noted that employment relationships were replacing family relationships in importance (Glenon). One recent report indicates that many people are spending an average of twelve hours a day on the job. What does this say about the importance of the job versus the importance of family? Look at what we value in society in terms of dollar rewards. Who earns

more, a professional athlete or a teacher? A pediatrician or a surgeon? A child care worker or an engineer? A family lawyer or a corporate lawyer? Those who deal with families are at the bottom of the financial rewards list.

Law professor Harry Krause says, "Easy come, easy go marriage and casual cohabitation and procreation are on a collision course with the economic and social needs of children."

Getting married and having children do not have the same priority for many people today as twenty years ago. With the instability of marriage, more women choose careers because the potential economic risks of choosing home and family are too great. A recent newspaper article reported that the marriage rate has hit a twenty year low. Over 2.3 million people cohabit instead of marry. Twenty percent of children are born out of wedlock.

Family size has declined to one to two children from the seven or eight children of the 1890s. Effective birth control and the mutual risk of divorce prevent many couples from having children. The yuppie generation has seen an increase in wealth and its standard of living that would be reduced by children. DINKs—dual income, no-kids couples are becoming common. With so many people choosing not to have children, children are not a high priority. They are viewed as other peoples' problems. Look at the number of school bond issues that fail!

National, and now international, corporations continue to exacerbate the problems for families. To advance in corporate America may require several geographical moves which contribute to the rootlessness and isolation of many families. Extensive traveling is part of many jobs.

Add to other work related pressures the fact that the standard vacation time of two weeks pales in comparison with other Western countries. The time may not even coincide with children's school vacation schedules. Most Western European nations give everyone five weeks of vacation a year—at the same time!

### **Conflict Between the Dream and Reality of Marriage**

Americans continue to romanticize the institution of marriage and perpetuate the myth of finding *the* perfect mate. A spring, 1991 magazine article tells us brides are back to "romantic" marriages. The Cinderella complex lives on. Romance novels sell millions of dollars a year. Most romance novels, however, stop after the courtship.

Anyone who has been married for any length of time knows that "happily ever after" does not come without work. A good marriage requires communication, compromise and compassion. Marriage brings to mind the description of life given by the grandmother in the movie, *Parenthood*,—a roller coaster ride. There may be some

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lows, some fears but also some thrills and incredible highs if you just hang on.

The romanticization of marriage and the different functions families perform today have led to rising expectations of happiness in marriage. In earlier times, marriages were arranged for political and economic purposes. As recently as the 1950s marriage was one of the few career options open to women. Happiness in marriage then was not seen as a goal, but as a by-product. Today, spouses choose each other and to be married. A spouse is expected to make the other "happy."

If a person is not "happy," he or she often obtains a divorce and seeks a new partner or a new lifestyle. The parent's pursuit of happiness, however, may conflict with a child's need for security and cause the child much turmoil and unhappiness. Perhaps the real irony is that recent studies indicate that getting divorced does not make people that much "happier." Only about half of both men and women were happy with their lives ten years following divorce. Two-thirds were not any happier or were unhappier than they were before divorce (Wallerstein and Blakeslee).

While people seem to think they have a right to be happy all the time, that is not the natural state of affairs (Peck). People need to have more realistic views of what marriage and relationships entail before going into them.

### Society's 'Disposable Mentality'

We still adhere to a religious tenet that says "til death do us part," but our society is geared toward throwing away things that are not working rather than repairing them. In spite of the marriage vow language, there is no longer a cultural consensus of marriage until death.

The most dramatic change in family life that has occurred since 1960 is that one half of all marriages end in divorce. The statistics indicate that divorces have tripled since 1965 (475,000) to 1,200,000 in 1990. The social stigma attached to divorce has declined partly due to the sheer volume and partly because of the relaxation of the grounds for divorce by adoption of "no fault" statutes.

We have a legal system that allows virtually unilateral divorce when one party wants out of the relationship. What begins as a mutual contract can be ended unilaterally. Instead of trying to fix the old relationship, people seek a new one. This leads to serial monogamy as people keep searching for "newer and better" without finding out what went wrong in the past.

Half of these divorces, however, involve minor children so that family members are subject to court jurisdiction throughout a child's

minority. The disposable mentality too often has resulted in no continued economic responsibility for children or a former spouse.

### The 'Win-at-any-Cost' Mentality

Knut Rockne said winning is everything. Many believe that might makes right. This approach may work for athletic contests, but it does not work well with divorce and child custody cases. Child custody cases are not like the traditionally adversarial tort actions in which one is trying to ascertain what happened at some time in the past. Instead, the custody battle involves an attempt to predict the future—with which parent will this child have the best chance to develop into a caring, productive adult?

No one really "wins" the battles in a divorce case. There are only degrees of losing. The spouses lose, their children lose and society loses.

As the lawyer in the movie, *War of the Roses*, said, "Civilized divorce is a contradiction in terms." How true! We may no longer fight over the grounds for divorce, but we have escalated the battles over property, support and, most importantly, children. When divorce was rare, most child-centered issues were resolved in the family rather than the court. The federal mandate of child support guidelines and enforcement of support has increased battles over custody of children to avoid financial responsibilities.

Most contested custody cases focus on the rights of parents to see and be with their children rather than the "best interests of the child." In 90 percent of contested cases, the parents are represented, but their child is not. Many parents are demanding joint custody. Is joint physical custody really good for the child or just an excuse for a parent to manipulate and "win?"

Parents sometimes insist on "equal time" even in situations in which, from the child's perspective, it is hard to justify the schedule. A nine-year-old child whose parents live in different states, such as Kansas and California, ends up changing schools in January of each year because her parents share joint physical custody. A Louisiana court reversed a custody arrangement to transfer a two-year-old weekly between the mother's house in Louisiana and the father's house in Texas! (*Bishop v. Bishop*).

Two recent studies conclude that frequent access and conflict lead to increased behavioral problems with children after divorce (Johnson, Kline and Tschann). Some psychiatrists stress the need for one decision maker (Goldstein, et al.). Courts and attorneys need to be aware of the social science data. The focus needs to shift from protecting parents' rights (Shepard) to truly promoting the children's interests.

The standard "best interests of the child" too often equates to eco-

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conomic interests rather than emotional interests. Federal policies enforcing child support obligations and interstate collection mandates aim at lessening the welfare roles. Finances are but one aspect. The system gives too little consideration to the noneconomic, ethical components. People need to be taught to assume responsibility for their own actions and behavior and how to resolve conflicts in a humane, fair manner that allows everyone to preserve dignity and protects the children involved.

### **Easy Divorce, Failure to Provide Support Services**

Legally, divorce is a single event with a judge decreeing that the marriage is at an end. But the decree does not resolve the emotional, economic, parent-child or social aspects that must be resolved. The goal of no-fault divorce was to civilize the process by keeping the dirty laundry out of the courtroom, but "no-fault" divorce does not mean that no one is to blame. Most people going through divorce do feel that their partner is to blame even if the judge and lawyers do not care to hear about it. Everyone has a story—sometimes they just want someone to listen.

While the judicial decree of divorce may take as little as sixty days to obtain, emotional healing following divorce may take years. One of the most devastating findings of a recent study following families after divorce was the fact that ten years later, over half of the divorced persons were as intensely angry with the former spouse as at the time of divorce (Wallerstein and Blakeslee). What a waste!!

People going through a divorce need help. One or both of the spouses need to regain self esteem. One or both needs to learn how to communicate with each other and with the children. One or both needs to learn how to deal with anger and rejection—how to accept losses and move on. Refusing to take "no" for an answer may work in business and sales—but not in human relationships.

Several years ago the Menninger Foundation indicated that it takes two to five years following divorce for the people involved to return to normalcy. More recent studies indicate a far longer period. Judith Wallerstein's ten-year follow-up report of 100 children found that half entered adulthood as "worried, underachieving, lonely and sometimes angry young men and women" (Wallerstein and Blakeslee). How can we help these children and their parents? The system must provide greater financial, social, and psychological support.

### **National Policy Solutions to Conflicts**

Recognizing the conflicts begins the process of trying to find ways to solve them and deciding what role the federal government should play. I would begin by reaffirming the premise that families are the

cornerstone of our society and therefore any policies should provide more support for families, however the family is constituted.

Other western nations consider child support, health care and higher education to be social responsibilities as evidenced by subsidized day care, subsidized housing, family allowances and free college education for children who pass the entrance exam. The family allowance supports children whether in single-parent or two-parent households and irrespective of need. Wouldn't a basic starting philosophy that there is a right to housing, work, food and health care in our society help families?

Families struggling to survive have no time left to become politically active. Toddlers cannot vote. Unless pressed, Congress will continue to deal with power issues funded by the large lobbying groups instead of people issues.

### **A National Family Policy**

A comprehensive, coordinated family policy would involve all elements of society that deal with families—state and local government, schools, community service agencies, businesses and religious organizations. The policy needs to be visionary and creative while still using existing resources. Any new legislation or proposals could then be measured against the plan to see the impact on families. There would be several components of such a policy:

#### **Family Leave**

Congress should continue to pass the family leave legislation. This would enable parents and children to bond in those important first few months following birth. We may be the only country in which you can be fired for having a baby. Only 4 percent of workers in small companies allow leave. Even though the current proposal is far short of what is desirable (it excludes companies with less than fifty employees), it is an important start.

Family leave would also allow persons to take leaves to care for sick or elderly family members.

President Bush speaks of the importance of the family, but has threatened to veto this important bill again.

#### **Adequate Child Care**

We need safe, affordable, preferably on-site, child care for working parents. Tax credits or benefits for corporations could encourage on-site child care. Parents could break or eat lunch with their children, allowing for more contact during the day. Time wasted in long commutes to babysitters could be used more productively.

One idea is to create incentives to effectively and efficiently use what we have. For example, could we use existing school buildings already paid for by the taxpayers to provide after- or before-school day care? Most stand empty from 4:00 p.m. until 7:00 a.m.

Why not create more flexible jobs—four-day work weeks; more part-time and half-time positions; day care on the job or job sharing?

### Minimum Health Care Coverage

There should be at least minimum health insurance coverage for everyone. At the present time those who earn minimum wage cannot afford health care coverage. Large numbers of people, many of whom are children, have no health insurance coverage.

### Tax Code Revisions

Tax code revisions during the past few years have hurt the majority of middle class Americans. Congress should revise the tax code to provide adequate dependency exemptions for both child care and elder care. Currently families can deduct \$2,050 dependency exemption per child. Welfare, Workfair and AFDC are need based. Having a child is an economic hardship. Most people would be better off financially not having children. Should our government continue to give more tax benefits to those who raise thoroughbred horses or dogs than those who raise children?

### Family Courts

States should be encouraged to restructure the way it handles matters involving children, making the needs of the child the primary focus. Courts dealing with family law issues have the greatest burdens and the fewest resources. There may be many separate courts or divisions that deal with children in need of care, adoption, mental illness, guardianships, juvenile delinquents, divorce and abuse. The same family may appear in more than one court within a relatively short period of time. There is a need to integrate approaches to dealing with dysfunctional families.

States should be encouraged to provide an adequately-funded court system with well-compensated, well-trained personnel equipped to deal with a myriad of family issues. Judges should not be assigned to family matters on a rotation basis, but because they have training and a desire to work with family issues. Judges lack sufficient court support personnel to do an adequate job. Dockets are crowded. Children are seldom represented in contested custody cases. A trained attorney guardian *ad litem* should represent the child whenever the child's custody is contested, be it between the parents or between parents and the state.

Court services should include workshops to educate families in the process of divorce. Where appropriate, alternatives to the adversarial model can be proposed so that people practice cooperation rather than competition. Mediation, conciliation, pretrial conferences and other methods of reaching an amicable and fair settlement should be explored and encouraged. Federal funds could provide mediation training and model programs.

### U.N. Convention on Rights of the Child

The U.N. Convention on the Rights of the Child was adopted in November of 1989 and has already been ratified by ninety nations. The United States has not yet ratified it.

### National Educational Programs

A variety of programs could be developed that would help families. For example, early childhood education programs have proven successful. Head Start, the federally funded preschool program for children in poverty, was one of the most successful government programs. Due to budget cutbacks, less than one third of eligible children are enrolled.

National leadership should develop elementary and secondary curriculum to teach children responsibilities of adulthood—being a good citizen requires more than just voting. Let's start teaching mediation skills to first graders. The golden rule is not such a bad place to start. Robert Fulcrum received wide acclaim for his essay, "All I ever needed I learned in kindergarten."

Sex education courses can teach about anatomy, sexuality, perils of teenage pregnancy, the risks of venereal disease and AIDs. Students can learn responsibility for themselves and others. Drug prevention programs appear to be successful in deterring use of drugs by younger students. These can be expanded and continued.

A unit on marriage and the family could deal with interpersonal communication skills, learning to fight fair as well as the legal obligations of married persons and parents. A complaint often heard is that schools provide more training for learning to drive a car than for parenting.

### Conclusion

We need to develop an ethic in this country that says that children are important. Just as a parent's responsibility to a child should be seen as irrevocable, so should the state and nation's responsibility. The greatest threat to our nation comes from within—from having a generation of children grow up in poverty, undereducated, underachieving (Edelman, p. 10).

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Children are as much an economic resource as clean air, abundant water, good roads and infrastructure. When they grow into productive adults, they are the leaders and workers of tomorrow. If they do not, society pays dearly for the consequences, with prisons, hospitals and treatment programs and unskilled workers" (Kansas Committee).

Those of us who have families and work with families must get involved—our nation's future depends on it.

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***RECOMMENDATIONS FOR A MODEL  
FAMILY COURT***

**A REPORT FROM THE  
NATIONAL FAMILY COURT SYMPOSIUM**

**May 1991**

**Sanford N. Katz**

**and**

**Jeffrey A. Kuhn**



**NATIONAL  
COUNCIL OF  
JUVENILE  
AND FAMILY  
COURT JUDGES**

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## EXECUTIVE SUMMARY

This is the final report of the National Family Court Symposium as conducted by the National Council of Juvenile and Family Court Judges. The National Council convened this symposium for the purpose of studying the implementation of a model family court in the several states and subsequently to develop recommendations relative to the model to be implemented.

### MISSION STATEMENT

Legal proceedings relating to children and families are unique from other legal proceedings. The mission of the National Family Court Symposium was to improve the manner in which the justice system handles these proceedings through an appropriately coordinated family court model.

The coordination of the various components of the legal process within the family court is essential. The Symposium recognized the importance of having broad participation from the executive and legislative branches of government, state court leadership and the legal and family services community toward this end.

### RECOMMENDATIONS

1. State legislatures should authorize within each court jurisdiction a division to be designated as the family court. They should further authorize formal studies to determine workload standards for the courts and related agencies to maximize the provision of court services for children and families.

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2. The family court should be a separate facility to allow for centralization of operations which will provide for a holistic approach to the utilization of resources. This will allow for increased public access, efficient use of resources and a comprehensive information base.
3. There should be orderly management of cases by the family court judiciary for the purpose of eliminating duplication of effort, timely resolution of disputes, efficient leveraging of resources, networking with other courts within the state court system and out of the jurisdiction, and providing for consistency in judicial decision-making through the use of standardized rules, guidelines and bench books.
4. The family court should be staffed with persons who have a strong interest and experience in family law. They should have a full understanding of the interconnections of each of the units within the family court and be committed to its workings.
5. The procedure of the family court should stress alternatives to the adversarial model when appropriate and consistent with constitutional safeguards.
6. Judges assigned to family court should be assigned or elected to the family court specifically.
7. When necessary, judicial appointments should give consideration to domestic relations and juvenile law experience. Appointees should have expressed a willingness to spend a significant portion of their judicial career on the family court bench.
8. To minimize risk of judicial burnout, family court judges should be assigned to all aspects of the family court docket.
9. State Supreme Courts should create incentive for judges to remain on family court assignment for a minimum period of four years.



10. Consideration should be given to the direct calendar or one case, one judge system.
11. In the exercise of judicial authority, the family court judge should be sensitive to the work responsibilities and related stresses of other professionals serving children and families.
12. Every newly appointed or elected family court judge, within one year of taking the bench should be required to complete a family court orientation training and continuing education program. Every family court judge should be required to enroll in and complete an additional family law program every two years, thereafter.
13. A State family court statute should include provisions determined at the Symposium to be essential and are as follows: (a) an establishment clause which proports statewide effect; (b) Supreme Court authority to adopt rules of procedure relating to the family court; (c) a provision defining jurisdiction as proffered in Recommendations 14-17; and (d) court authority to transfer jurisdiction as appropriate.
14. Family court jurisdiction should include all divorce/dissolution matters and anything attendant thereto, including marital property disribution, separation and annulment, child custody orders which include modification and visitation, Uniform Child Custody Jurisdiction Act cases, support and Uniform Reciprocal Enforcement of Support act cases.
15. Family Court jurisdiction should include all child dependency related matters including abuse and neglect, including termination of parental rights, family violence including protective orders, children and persons in need of services (CHINS and PINS) and adoption.

16. Family court jurisdiction should include all delinquency proceedings and juvenile traffic matters including driving while intoxicated offenses. Status offenses including liaison with public education districts relative to truancy matters should also be included.
17. Family court jurisdiction should include adult and juvenile guardianship and conservatorships, mentally retarded and mental health matters including civil commitment and confinement, legal-medical issues, e.g. right to die, abortion and living wills, paternity, emancipation and name change.
18. On creation of a family court, the State Supreme Court should establish a family court committee charged with developing rules of court for the family court handling of families with multiple cases before the state courts.
19. On creation of a family court, the State Supreme Court should establish a family court organizational structure to administer the family court within the district court. Such structure should include a family court administrator directly responsible to the state court administrator. The family court administrator should have the responsibility of coordinating all internal court management activities as well as serving as liaison to those agencies providing case-related services.

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Institute of Judicial Administration

American Bar Association

*Preface*

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**Juvenile Justice Standards**



*STANDARDS RELATING TO*

*Court Organization  
and Administration*

Recommended by the  
IJA-ABA JOINT COMMISSION ON JUVENILE JUSTICE STANDARDS

Hon. Irving R. Kaufman, *Chairman*

Approved by the  
HOUSE OF DELEGATES, AMERICAN BAR ASSOCIATION, 1980

Charles Z. Smith, *Chairman of Drafting Committee II*  
Ted Rubin, *Reporter*

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The standards and commentary in this volume are part of a series designed to cover the spectrum of problems pertaining to the laws affecting children. They examine the juvenile justice system and its relationship to the rights and responsibilities of juveniles. The series was prepared under the supervision of a Joint Commission on Juvenile Justice Standards appointed by the Institute of Judicial Administration and the American Bar Association. Seventeen volumes in the series were approved by the House of Delegates of the American Bar Association on February 12, 1979.

The standards are intended to serve as guidelines for action by legislators, judges, administrators, public and private agencies, local civic groups, and others responsible for or concerned with the treatment of youths at local, state, and federal levels. The twenty-three volumes issued by the joint commission cover the entire field of juvenile justice administration, including the jurisdiction and organization of trial and appellate courts hearing matters concerning juveniles; the transfer of jurisdiction to adult criminal courts; and the functions performed by law enforcement officers and court intake, probation, and corrections personnel. Standards for attorneys representing the state, for juveniles and their families, and for the procedures to be followed at the preadjudication, adjudication, disposition, and postdisposition stages are included. One volume in this series sets forth standards for the statutory classification of delinquent acts and the rules governing the sanctions to be imposed. Other volumes deal with problems affecting nondelinquent youth, including recommendations concerning the permissible range of intervention by the state in cases of abuse or neglect, status offenses (such as truancy and running away), and contractual, medical, educational, and employment rights of minors.

## Introduction

This volume deals with the organization and administration of the juvenile court. Part I sets forth the basic organizational structure, calling for the creation of a family court to replace the juvenile court, and suggesting the transfer of juvenile intake, probation, and detention services to executive agency administration.

The merger of the historic juvenile court jurisdiction with the domestic relations jurisdiction will join together two major areas of social litigation that have been among the most intriguing, frustrating, and perplexing of the American judicial system. Neither court has been a high status setting for its judges. Yet these courts, in their efforts to alleviate human suffering, deserve and have attracted substantial interest from the judiciary and the public.

The importance of the family court's work, at the least equals that of any other court. Joined within the jurisdiction of tomorrow's family court will be additional family-related matters presently distributed throughout the justice system.

One objective of this forum is to avoid the judicial fragmentation of the family that results when various courts deal with the diverse legal issues that relate to family matters. Another objective is to significantly expand the constructive and continuing influence of one judge in responding to the recurrent litigation problems of one family.

The family court, within the organization of courts, would be placed within the highest court of general trial jurisdiction. A family court division would be created, and its judges assigned from the prestigious jurists of the trial court. Assignment to this division would be on a modified rotation basis.

This scheme coincides with the interest in many states in reordering the organization of their judicial systems to remove duplication, fragmentation, and structural inefficiencies.

Executive agency rather than judicial system administration of juvenile intake, probation, and detention services should reduce the fragmentation of social services provided to juveniles and families,

and increase the independence of the judge and the time available to the judge in fulfilling the primary judicial role of case decision making. This will place a particular responsibility upon the division to further its efforts to obtain effective collaboration from executive branch agencies.

Part II deals with judicial and administrative personnel. The need for increased competency of family court judges and increased quality of judicial decisions in family court is emphasized.

This improvement in the quality of family court judges will be difficult to achieve without elevating the general status of that court and its judges. In achieving these objectives, the practice of using referees (masters, commissioners) to perform judicial functions should be ended.

Part III deals with the functions of the court. Formalized rules of procedure, rules of administration, and written guidelines and policies are seen as essential for the family court. The primary responsibility for their preparation and implementation should be borne by the judiciary.

The court's decision-making role is extended to include enforcement of judicial orders. The court must have adequate information that not only the subject of the court proceedings but also the social service agency is abiding by its orders, and must take appropriate action if they are not.

Time standards for processing cases are included to achieve greater court efficiency and compliance with speedy trial rules, and because juveniles, particularly, are seen as benefiting from more immediate court and social service action.

The current need for effective court management is recognized, and extensive responsibility is granted to court administrators, working under the supervision of the division's presiding judge, to regularize the court's internal functioning and to facilitate the court's liaison with community agencies.

Part IV sets forth the powers and duties of the court to fulfill its responsibilities. Approaches for obtaining adequate resources are presented together with the extraordinary, and seldom used, remedy of "inherent powers," which the court should consider only when its integrity as a separate branch of government is threatened.

Despite the turmoil that surrounds contemporary family life, the family remains the primary American model for the day-to-day living environment. It is the duty of the judicial system to seek to enhance the strengths of individual family members, and thereby the family unit, when legal intervention is necessary.

Despite the extensive criticism to which the juvenile court has been and continues to be subjected, few would abandon its basic tenets. It is the separate and inferior status of the juvenile court that we would abandon. Its goals and objectives can more nearly achieve fruition in a new and enlarged forum, the family court.

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# Standards

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## PART I: ORGANIZATIONAL STRUCTURE OF COURTS OF JUVENILE JURISDICTION

### 1.1 Organizational structure: general principles.

The traditional juvenile court jurisdiction should be included in a family court division of the highest court of general trial jurisdiction.

A. The exclusive original jurisdiction of this division should encompass: juvenile law violations; cases of abuse and neglect; cases involving the need for emergency medical treatment; voluntary and involuntary termination of parental rights proceedings; adoption proceedings; appointment of legal guardians for juveniles; proceedings under interstate compacts on juveniles and on the placement of juveniles; intrafamily criminal offenses; proceedings in regard to divorce, separation, annulment, alimony, custody, and support of juveniles; proceedings to establish paternity and to enforce support; and proceedings under the Uniform Reciprocal Enforcement of Support Act. Mental illness and retardation commitment proceedings concerning juveniles and adults should be governed by the law of the jurisdiction applicable to such proceedings for nonadjudicated persons.

B. Calendaring methods should follow the general principle that the same judge should consider the different legal issues that relate to all members of the same family. Further, the judge who presides at an adjudicatory hearing should conduct the disposition hearing of the case.

C. General intake procedures to determine the need for formal judicial consideration of juvenile delinquency referrals should be adapted and applied to the different types of cases within the jurisdiction of the family court division.

D. The court should encourage probation and social service agencies working with court clientele to maximize single staff member responsibility for an entire family.

### 1.2 Juvenile intake, probation, and detention services.

The [juvenile intake function, juvenile probation services,] and

juvenile detention programs should be administered by the executive branch of government.

## PART II: JUDICIAL AND CHIEF ADMINISTRATIVE PERSONNEL PERFORMING COURT FUNCTIONS

### 2.1 Judges.

Judges of the family court division should be assigned from among the judges of the highest court of general trial jurisdiction. Their assignment to the family court division should be:

A. by appointment of the presiding judge of the highest court of general trial jurisdiction;

B. with special consideration given to the aptitude, demonstrated interest, and experience of each judge;

C. [on a modified rotation system,] with indefinite tenure discouraged;

D. if at all practical, on a full-time basis; and

E. accompanied by the supporting personnel, equipment, and facilities necessary for effective functioning.

### 2.2 Referees; judicial officers.

Only judges should perform judicial case decision-making functions.

### 2.3 Court administrator.

A. Each family court division with [four] or more judges (and, where justified by caseload, in divisions with fewer judges) should have a full-time court administrator. This official should be an assistant to the general trial court administrator. The division administrator should be appointed by the general trial court administrator with the concurrence of the presiding judge of the general trial court, but should function under the supervision of the presiding judge of the family court division.

B. In less populous jurisdictions, the general trial court administrator should direct the staff members of the family court division.

## PART III: COURT FUNCTIONS

### 3.1 Rule making.

The family court division should operate under formally adopted:

- A. rules of procedure;
- B. rules of administration; and
- C. guidelines.

### 3.2 Case decision making.

A judge should render all judicial decisions on cases before the court. No judicial proceedings should be heard by nonjudicial personnel. Adjudicatory proceedings should be conducted in a formal manner. The monitoring of its orders is an essential function of the family court division. Provision should be made for party-initiated and agency-initiated review of court orders.

### 3.3 Case processing time standards.

Time standards for judicial hearing of juvenile cases should be promulgated and monitored. These should include:

- A. detention and shelter hearings: not more than twenty-four hours following admission to any detention or shelter facility;
- B. adjudicatory or transfer (waiver) hearings:
  - 1. concerning a juvenile in a detention or shelter facility: not later than fifteen days following admission to such facility;
  - 2. concerning a juvenile who is not in a detention or shelter facility: not later than thirty days following the filing of the petition;
- C. disposition hearings: not later than fifteen days following the adjudicatory hearing. The court may grant additional time in exceptional cases that require more complex evaluation.

### 3.4 Management responsibilities.

Under the supervision of the presiding judge of the family court division, the court administrator should administer or perform the following functions:

- A. caseload management;
- B. budget and fiscal control;
- C. records management;
- D. implementing legal procedures;
- E. personnel systems management;
- F. space facilities, equipment, and library materials;

- G. management information system;
- H. training program coordination;
- I. planning and development;
- J. jury management;
- K. procurement of supplies and services;
- L. monitoring and liaison responsibility with probation, detention, and social service agencies;

- M. public information; and
- N. secretariat for meetings of division judges.

### 3.5 Community relations function.

A. The family court division should develop and implement a program of community relations and public information to include:

- 1. regular written and oral public presentations of data and experience concerning the functions, progress, and problems of the court and the juvenile justice system;
- 2. advocacy for law reform and improved agency services and facilities;
- 3. development of close working relationships with community agencies serving court clientele;
- 4. leadership in effectuating a juvenile justice council composed of representatives of key juvenile justice agencies.

B. A representative family court division citizens' advisory committee should be appointed by the presiding judge of the general trial court. The advisory committee should advise, critique, and assist the division in achieving a more effective family court.

## PART IV: RESPONSIBILITY OF THE FAMILY COURT DIVISION TO EFFECTUATE ITS DUTIES AND ORDERS

### 4.1 General principles.

The family court division should have available those personnel, facilities, and services necessary for the effective discharge of its responsibilities. The doctrine of inherent powers should be employed only when the court can show all of the following:

- A. all possible approaches to obtain the necessary resource have been tried and have failed;
- B. the expense in question is a necessary as opposed to a desirable expense; and
- C. failure to obtain this resource would render the court unable to fulfill its legal duties.

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**DOEREN LIGHTING**

ROGER D. DOEREN, IES, EA

LIGHTING DESIGN & CONSULTATION

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Date: February 17, 1992

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## HOUSE BILL No. 2691

By Special Committee on Children's Initiatives

### MY MISSION STATEMENT:

I am the proud father of my 3 year old son, Burke Roger Doeren, intentionally conceived and born on October 24, 1988. I am the Respondent in a divorce, filed by my ex-wife on January 2, 1990, and granted on November 14, 1990. My ex-wife and I share Joint Legal Custody of our son. My ex-wife has Physical Residency of our son. My son and I receive only Parenting Time (Visitation) consistent with Johnson County Bar Association Guidelines. It is fair to say that my family and I are very dissatisfied with the way our lives have been impacted by the adversary court system. The high emotional cost, time consuming conflicts, and financial exhaustion have been devastating to our family. The worst damage that a parent can do to their children is to force their anger onto their children and not to allow their children to ever really know their fathers and their mothers and themselves. For one parent to deprive a child access to the other parent, that parent must have such hatred for the other parent and hatred for their child. I am very concerned about the long term effects that divorce will possibly have on my son, my family, and society. Society is experiencing an awakening to what is really important in life: Our Children and Our Families; the Fabric of Society. I am devoted to being part of the nationwide public awareness champagne to reform the Family Law System, for the best interest of our children and the greater good of society. We need to work together to strengthen families; with the help of properly trained family therapy programs, focusing on early childhood. Family members of divorce need to feel that they are lovable and capable of loving others. I don't want other unsuspecting families and children to have to live through the nightmare of the adversary court system as it is today. Death has closure, it's over; divorce lingers on; we can bury the dead, but we have to live with divorce. There is more than enough research on the subject of what needs to be done to save our children and our families. Now is the time to act, to turn the tide. There is much room for improvement, and I am devoted to being apart of the solution, rather than to do nothing and be apart of the problem. Won't you please help me to help my son, myself and the rest of society?

*House Selects State Affairs  
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Attachment #11*

I am currently working to improve the state of matters for children, parents and families, starting in our local area. My goal is to be apart of a process to improve family matters on the largest scale possible.

For the past two years I have been devoting more than one half of my professional billable time with the community, the courts and the Kansas state legislature, for the matter of children's rights, parent's rights and family issues. It is my personal as well as professional goal to maximize my positive impact in these areas by working with established organizations, to research published information, interview people and to disseminate information for the best possible good. I am currently doing research for a book that I am writing on these matters.

THESE ARE SOME OF THE BOOKS THAT I HAVE RESEARCHED:

1. Gibran, Kahill. **The Prophet**. New York: Alfred A. Knopf, Inc., 1923.
2. Peck, M. Scott. **The Road Less Traveled**. New York: Simon & Schuster Inc., 1978.
3. Cosby, Bill. **Fatherhood**. New York: Doubleday & Company, Inc., 1986.
4. Ricci, Isolina. **Mom's House, Dad's House**. New York: Macmillan Publishing Company, 1980.
5. Robbins, Anthony. **Unlimited Power**. New York: Ballatine Books, Random House, Inc., 1986.
6. Black, Claudia. **It Will Never Happen To Me!** Denver, Colorado: Mac Publishing, 1981.
7. Black, Claudia. **Repeat After Me**. Denver, Colorado: Mac Publishing, 1985.
8. Hendrix, Harville. **Getting The Love You Want: A Guide For Couples**. New York: Harper & Row, Publishers, Inc., 1988.
9. Woititz, Janet G. **Struggle For Intimacy**. Deerfield Beach, Florida: Health Communications, Inc., 1985.
10. Trafford, Abigail. **Crazy Time: Surviving Divorce**. New York: Harper & Row, 1982.
11. Brazelton, T. Berry. **Toddlers And Parents: A Declaration Of Independence**. New York: Dell Publishing, Inc., Revised Edition 1989.
12. Hapern, Howard M. **Cutting Loose**. New York: Simon & Schuster, 1976.
13. Christophersen, Edward R. **Little People: Guidelines For Common Sense Child Rearing**. Kansas City, Missouri: Westport Publishers, Inc., 1977.
14. Fulghum, Robert. **All I Really Need To Know I Learned In Kindergarten**. New York: Villard Books, Random House, Inc., 1986.

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15. Elkind, David. **The Hurried Child: Growing Up Too Fast Too Soon.** New York: Addison-Wesley Publishing Company, Inc., 1931.
16. Nelson, Jane. **Positive Discipline.** Fair Oaks, CA: Sunrise Press, 1981.
17. Bradshaw, John. **Home Coming: Reclaiming And Championing Your Inner Child.** New York: Bantam Books, 1990.
18. Bradshaw, John. **Bradshaw On: The Family.** Deerfield Beach, Florida: Health Communications, Inc., 1988.
19. Bradshaw, John. **Bradshaw On: Healing The Shame That Binds You.** Deerfield Beach, Florida: Health Communications, Inc., 1988.
20. Richardson, Richard W. **Family Ties That Bind: A Self-Help Guide To Change Through Family Of Origin Therapy.** Bellingham, Washington: International Self-Counsel Press, 1987.
21. Rubin, Theodore Isaac. **Real Love: What It Is, And How To Find It.** New York: The Continuum Publishing Company, 1990.
22. Brown, H. Jackson. **P.S. I Love You.** Nashville, Tennessee: Rutledge Hill Press, 1990.
23. Brown, H. Jackson. **Life's Little Instruction Book.** Nashville, Tennessee: Rutledge Hill Press, 1991.
24. Brown, H. Jackson. **A Father's Book Of Wisdom.** Nashville, Tennessee: Rutledge Hill Press, 1988.
25. Roger-John and McWilliams, Peter. **You Can't Afford The Luxury Of A Negative Thought.** Los Angeles, California: Prelude Press, 1988.
26. Tannen, Deborah. **You Just Don't Understand.** New York: Ballantine Books, 1990.
27. Kline, Kris and Pew, Stephen. **For The Sake Of The Children: How To Share Your Children With Your Ex-Spouse In Spite Of Your Anger.** Rocklin, California: Prima Publishing, 1991.
28. Bly, Robert. **IRON JOHN: A Book About Men.** New York: Addison-Wesley Publishing Company, Inc., 1990.
29. Brazelton, T. Berry. **Families: Crisis And Caring.** New York: Ballantine Books, 1989.
30. Christophersen, Edward R. **Dr. Edward R. Christophersen's BEYOND DISCIPLINE: Parenting That Lasts A Lifetime.** Kansas City, Missouri: Westport Publishers, Inc., 1990.
31. Main, Frank. **Perfect Parenting & Other Myths.** Minneapolis, Minnesota: CompCare Publishers, 1986.
32. Briggs, Dorothy Corkille. **Your Child's Self-Esteem.** New York: Doubleday, 1970.
33. Clarke, Jean Illsley. **Self-Esteem: A Family Affair.** New York: Harper & Row, Publishers, 1978.
34. Lerner, Harriet Goldhor. **The Dance Of Anger: A Woman's Guide To Changing The Patterns Of Intimate Relationships.** New York: Harper & Row Publishers, 1985.

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35. Lerner, Harriet Goldhor. **The Dance Of Intimacy: A Woman's Guide To Courageous Acts Of Change In Key Relationships.** New York: Harper & Row Publishers, 1989.
36. Sanford, John. **The Invisible Partners.** New York: Paulist Press, 1980.
37. Pruett, Kyle. **The Nurturing Father.** New York: Warner Books, Inc., 1987.
38. Lawyer, Sue. **How To Work With School Aged Children And Love Them.** Tulsa, Oklahoma: The Clubhouse-After School Caring And Sharing, Inc., 1980.
39. Thomas, Marlo. **Free To Be... You And Me.** New York: Bantam Books, 1974.
40. Steiner, Claude. **The Original Warm Fuzzy Tale.** Rolling Hills Estates, California: JALMAR Press, 1977.
41. Samalin, Nancy. **Love and Anger: The Parental Dilemma.** New York: Viking Penguin, 1991.
42. Miller, Alice. **Thou Shall Not Be Aware: Society's Betrayal Of The Child.** New York: Meridian/Penguin Books USA Inc., 1986.
43. Vogt, Gregory and Sirridge, Stephen. **Like SON, Like FATHER: Healing the Father-Son Wound in Men's Lives.** New York: Plenum Press, 1991.
44. Gil, Eliana. **Outgrowing The Pain: A Book for and about Adults Abused as Children.** New York: Dell Publishing, 1983.
45. National Commission on Children. **BEYOND RHETORIC: A New American Agenda for Children and Families.** Washington, D.C.: U.S. Government Printing Office, 1991.
46. National Commission on Children. **SPEAKING OF KIDS: A National Survey of Children and Parents.** Washington, D.C.: U.S. Government Printing Office, 1991.
47. Glasser, William. **CONTROL THEORY: A New Explanation of How We Control Our Lives.** New York: Harper & Row, Publishers, 1984.
48. Singh, Tara. **A COURSE IN MIRACLES: A Gift For All Mankind.** Los Angeles, California: Life Action Press, 1986.
49. Gardner, Richard A. **THE BOYS AND GIRLS BOOK ABOUT DIVORCE.** New York: Bantam Books, 1970.
50. Gardner, Richard A. **THE PARENTS BOOK ABOUT DIVORCE.** New York: Bantam Books, 1977.
51. Peck, M. Scott. **PEOPLE OF THE LIE: The Hope for Healing Human Evil.** New York: Simon & Schuster, Inc. 1983.
52. Watts, Alan W. **THE WISDOM OF INSECURITY: A Message for an Age of Anxiety.** New York: Vintage Books, 1951.
53. Friedan, Betty. **The SECOND STAGE.** New York: Dell Publishing, 1991.

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54. Krantzler, Mel and Belli, Melvin. **DIVORCING: The Only Guide to Both the Legal and Emotional Aspects of Divorce.** New York: St. Martin's Press, 1986.
55. Gardner, Richard A. **The Parental Alienation Syndrome and the Differentiation Between Fabricated and Genuine Child Sex Abuse.** Cresskill, New Jersey: Creative Therapeutics, 1987.
56. Speeth, Kathleen Riordan. **The GURDJIEFF WORK.** Los Angeles, California: Jeremy P. Tarcher, Inc., 1937.
57. Krantzler, Mel. **CREATIVE DIVORCE: A New Opportunity for Personal Growth.** New York: Signet, 1973.
58. Clawar, Stanley S. and Rivlin, Brynne V. **CHILDREN HELD HOSTAGE: Dealing with Programmed and Brainwashed Children.** Chicago, Illinois: American Bar Association, 1991.
59. Katherine, Anne. **BOUNDARIES: Where You End And I Begin.** Park Ridge, Illinois: Parkside Publishing Corporation, 1991.
60. Rofes, Eric. **THE KIDS' BOOK OF DIVORCE: By, For & About Kids.** New York: Vintage Books, 1981.
61. Brown, Laurene Krasny and Brown, Marc. **DINOSAUR DIVORCE: A Guide For Changing Families.** Boston: Joy Street Books/Little Brown and Company, 1986.
62. Lansky, Vicki. **101 Ways to Tell Your Child "I Love You".** New York: Contemporary Books, 1988.
63. Cosby, Bill. **CHILDHOOD.** New York: G.P. Putnam's Sons, 1991.
64. Cline, Foster and Fay, Jim. **PARENTING WITH LOVE AND LOGIC: Teaching Children Responsibility.** Colorado Springs, Colorado: NavPress, 1991.
65. Hewlett, Sylvia Ann. **When The Bough Breaks: The Cost of Neglecting Our Children.** New York: Basic Books, 1991.

THESE ARE SOME OF THE PEOPLE THAT I HAVE INTERVIEWED:

Judge Herbert W. Walton, Administrative Judge, Johnson County, Kansas.  
Gary Kretchmer, Director, Domestic Court Services, Johnson County, Kansas.  
Mickey James & Beverly Willis, Wyandotte County Court.  
Barbara DeMarea, DeMarea and Associates.  
Karen Shelor, Chairperson, Wyandotte County Bar Association, Family Law.  
Art Thompson, Kansas Bar Association.  
Robert T. Stephan, Attorney General.  
Bruce Miller, Disciplinary Administrator of the Attorney General.  
Stan Hazlett, Assistant Disciplinary Administrator of the Attorney General.  
Senator Winton A. Winter, Jr., Chairperson Judiciary Committee.  
Representative Elizabeth Baker, Federal and State Affairs Committee.  
Representative Ruth Ann Hackler, Education Committee  
Representative John M. Solhach, Chairperson, Judiciary Committee.  
Representative Vincent K. Snowbarger, Judiciary Committee.

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Representative Michael R. O'Neal, Judiciary Committee, Ranking Minority.  
Representative Tom Thompson, Energy and Natural Resources Committee.  
David King, Executive Vice President, Sprint/United Telecom.  
Bernice Weissbourd, Co-founder of PARENT ACTION; Director, Family Focus, Inc.; Director, The Family Resource Coalition; Editor, PARENTS Magazine; Director, The National Association for the Education of Young Children (NAEYC).  
Rosalie Street, Executive Director, PARENT ACTION.  
Richard Wilson, Director of Publicity, PARENT ACTION.  
Dr. T. Berry Brazelton, Founder, PARENT ACTION; Commissioner on the National Commission on Children.  
Adele Hall, Life Board Member, Children's Mercy Hospital, Kansas City, Missouri; Chairperson of The Greater Kansas City Community Foundation and Affiliated Trusts/Unity Way; Commissioner on the National Commission on Children.  
Polly Dement, Communication Director, National Commission on Children.  
Dr. Nicholas Zill, Director, Child Trends.  
Nancy Snyder, Research Analyst, Child Trends.  
David L. Levy, Esq. President, The National Council for Children's Rights (NCCR).  
Anne Milne, Executive Director, Association of Family and Conciliation Courts (AFCC).  
Dr. Isolina Ricci, Ph.D., Author: "MOM'S HOUSE, DAD'S HOUSE";  
Administrative Office of the Court, Judicial Counsel of California.  
Dr. Lee Salk, Author: "Creating Positive Relationships After Divorce".  
Heather Mertz, Secretary to James A. Pocock, Director, Friend of the Court, Ingham County, Lansing, Michigan.  
Dr. Mavis Hetherington, Ph.D., Researcher, The University of Virginia.  
Dr. Robert Emery, Ph.D., Author & Researcher, The University of Virginia.  
Susan Stubbe, Assistant to James P. Steyer, Founder and President of Children Now.  
Jeanne Trumble, Assistant to Jan Kramer, President of The Greater Kansas City Community Foundation and Affiliated Trusts/Unity Way.  
Mary Ann Gabel, Executive Director, Behavioral Science Regulatory Board.  
Carol Roeder-Esser, L.S.C.S.W., Johnson County Mental Health Center.  
Helen Swan, M.S.W., Author: "Alone After School" & "I'm In Charge".  
Mary Roush, Family Therapist, referred by John Bradshaw.  
Jean Pierce, Board President, CASA (Court Appointed Special Advocate).  
Jan Woodford, Director, CASA (Court Appointed Special Advocate).  
Johanna Bryant, Kansas Action for Children.  
Penny Fry, Director, Kansas Children's Service League.  
Barton S. Blond, Attorney.  
Chuck Carlsen, President, Johnson County Community College.

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Date: February 17, 1992

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In closing, I want to share some wonderfully spirited statements about life from Hallmark Cards, Inc.:

"WHEN WE ARE AT OUR BEST, WE ARE ALL CHILDREN AT HEART, TRYING TO SPEAK MOST HONESTLY AND INNOCENTLY OUR DEEPEST FEELINGS".

"THERE IS SOMETHING SPECIAL ABOUT FINDING JUST THE RIGHT WAY TO SAY SOMETHING. SEARCHING FOR THE RIGHT MESSAGE FORCES US TO FOCUS ON WHAT WE REALLY FEEL, WHAT WE WANT SOMEONE ELSE TO REALLY KNOW".

"RELATIONSHIPS ARE WHAT CARRY US THROUGH OUR LIVES, NO MATTER HOW HARD THE DAYS. COMMUNICATION IS WHAT CARRIES US THROUGH OUR RELATIONSHIPS, NO MATTER HOW LONG THE YEARS".

"IF WE CAN CONTINUE OUR DAYS SEARCHING FOR, AND DISCOVERING WAYS TO COMMUNICATE WHO WE ARE, AND HOW WE REALLY FEEL, WE CAN LIE DOWN HOWEVER LATE AND SLEEP AT NIGHT, KNOWING THAT WE HAVE CARED ENOUGH, AND WE HAVE INDEED SENT THE VERY BEST".

I am ready, willing and able to offer the Special Committee on Children's Initiatives my help, and I feel confident that we can be of assistance to each other.

Sincerely,



Roger D. Doeren, IES, EA  
Lighting Designer & Consultant

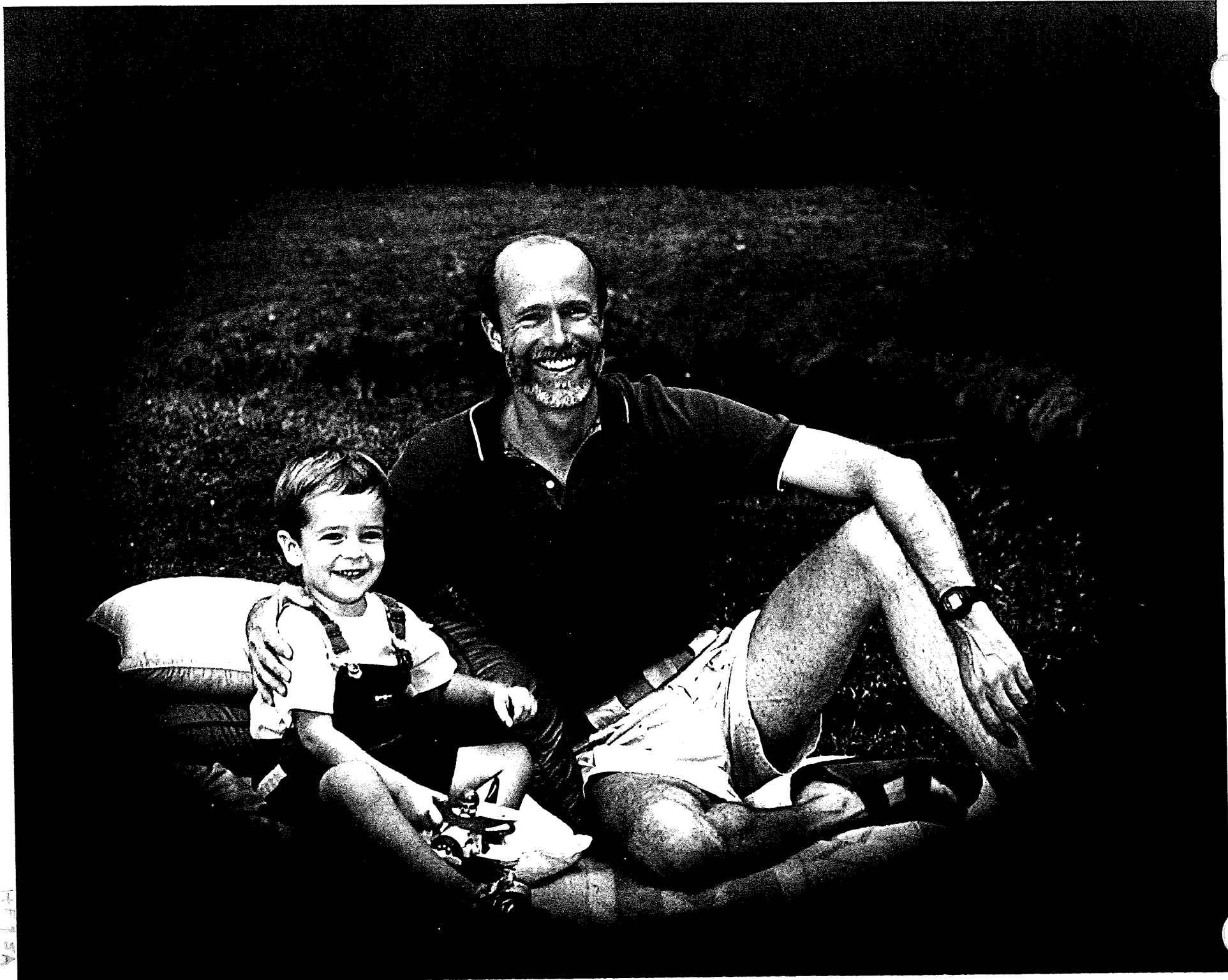
I AM A MEMBER OF THE FOLLOWING ORGANIZATIONS:

PARENT ACTION

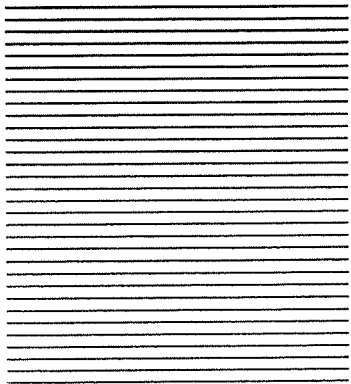
THE NATIONAL COUNCIL FOR CHILDREN'S RIGHTS (NCCR)

ASSOCIATION OF FAMILY AND CONCILIATION COURTS (AFCC)

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*“The parents of this generation are beginning to feel empowered...They are asking hard questions, demanding answers, and they are ready to fight for what they need for their children and themselves.”*

Dr. T. Berry Brazelton

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## A Pledge for Children

I pledge to:

1. **Listen** to my children.
2. **Communicate** with my children.
3. **Teach** my children right from wrong and be a good **role model** for them.
4. **Spend time** with and **pay attention** to my children.
5. **Love** and **respect** my children.
6. **Educate** my children in mind, body, and soul.
7. **Work** to provide a stable family life for my children.
8. **Look for** and **see** good in my children and in all children.
9. **Vote** for children to ensure them equal opportunity.
10. **Speak out** for children's needs and support effective groups that help children.



Kathy Sloane, courtesy of Sequoia Hospital

DEAR LORD  
BE GOOD TO ME  
THE SEAS ARE SO  
WIDE AND SO  
MY BOAT IS  
SO SMALL

Children's Defense Fund  
122 C Street N.W. Washington, D.C. 20001  
(202) 628-8787

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# “CHILDREN LEARN WHAT THEY LIVE”

If a child lives with criticism,  
He learns to condemn.

If a child lives with hostility,  
He learns to fight.

If a child lives with ridicule,  
He learns to be shy.

If a child lives with shame,  
He learns to feel guilty.

If a child lives with tolerance,  
He learns to be patient.

If a child lives with encouragement,  
He learns confidence.

If a child lives with praise,  
He learns to appreciate.

If a child lives with fairness,  
He learns justice.

If a child lives with approval,  
He learns to like himself.

If a child lives with acceptance and friendship,  
He learns to love the world.

AUTHOR UNKNOWN

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11-11

## Roots of Behavior Problems in the Home

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### Control

A child who feels he has *some* control over his life will spend little time and energy trying to manipulate and control the parent.

A child who feels he has *no* control over his life will spend much of his energy trying to manipulate the system and the adults around him.

**Parenting with Love and Logic helps parents learn to give children control on the parents' terms.**

### Revenge

Children who feel a lack of control, recognition, and/or appreciation find ways to sabotage their parents and themselves in their determination to get control.

**Parenting with Love and Logic helps parents learn to build positive relationships with their children.**

DON'T TRY TO REASON WITH A PERSON DRUNK  
ON POWER.

and Chief Seattle wrote a marvelous letter in reply. His letter expresses the moral, really, of our whole discussion.

"The President in Washington sends word that he wishes to buy our land. But how can you buy or sell the sky? The land? The idea is strange to us. If we do not own the freshness of the air and the sparkle of the water, how can you buy them?

"Every part of this earth is sacred to my people. Every shining pine needle, every sandy shore, every mist in the dark woods, every meadow, every humming insect. All are holy in the memory and experience of my people.

"We know the sap which courses through the trees as we know the blood that courses through our veins. We are part of the earth and it is part of us. The perfumed flowers are our sisters. The bear, the deer, the great eagle, these are our brothers. The rocky crests, the juices in the meadow, the body heat of the pony, and man, all belong to the same family.

→ "The shining water that moves in the streams and rivers is not just water, but the blood of our ancestors. If we sell you our land, you must remember that it is sacred. Each ghostly reflection in the clear waters of the lakes tells of events and memories in the life of my people. The water's murmur is the voice of my father's father.

"The rivers are our brothers. They quench our thirst. They carry our canoes and feed our children. So you must give to the rivers the kindness you would give any brother.

"If we sell you our land, remember that the air is precious to us, that the air shares its spirit with all the life it supports. The wind that gave our grandfather his first breath also receives his last sigh. The wind also gives our children the spirit of life. So if we sell you our land, you must keep it apart and sacred, as a place where man can go to taste the wind that is sweetened by the meadow flowers.

→ "Will you teach your children what we have taught our children? That the earth is our mother? What befalls the earth befalls all the sons of the earth.

"This we know: the earth does not belong to man, man belongs to the earth. All things are connected like the blood that unites us all. Man did not weave the web of life, he is merely a strand in it. Whatever he does to the web, he does to himself.

"One thing we know: our god is also your god. The earth is precious to him and to harm the earth is to heap contempt on its creator.

"Your destiny is a mystery to us. What will happen when the buffalo are all slaughtered? The wild horses tamed? What will happen when the secret corners of the forest are heavy with the scent of many men and the view of the ripe hills is blotted by talking wires? Where will the thicket be? Gone! Where will the eagle be? Gone! And what is it to say goodbye to the swift pony and the hunt? The end of living and the beginning of survival.

"When the last Red Man has vanished with his wilderness and his memory is only the shadow of a cloud moving across the prairie, will these shores and forests still be here? Will there be any of the spirit of my people left?

→ "We love this earth as a newborn loves its mother's heartbeat. So, if we sell you our land, love it as we have loved it. Care for it as we have cared for it. Hold in your mind the memory of the land as it is when you receive it. Preserve the land for all children and love it, as God loves us all.

"As we are part of the land, you too are part of the land. This earth is precious to us. It is also precious to you. One thing we know: there is only one God. No man, be he Red Man or White Man, can be apart. We are brothers after all."

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STATE OF KANSAS  
TENTH JUDICIAL DISTRICT

February 11, 1991

HERBERT W. WALTON  
DISTRICT JUDGE, DIVISION NO. 1  
JOHNSON COUNTY COURTHOUSE  
OLATHE, KANSAS 66061

CYNTHIA S. NEWMAN  
ADMINISTRATIVE ASSISTANT

AMY BLOSSER, C.S.R.  
OFFICIAL COURT REPORTER

(913) 782-5000 EXT. 5460

Mr. Roger D. Doeren  
5516 Mission Road  
Fairway, Ks. 66205-2721

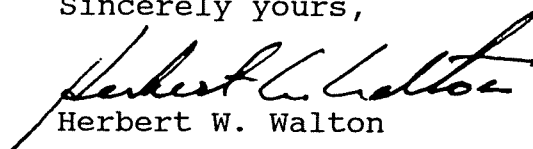
In Re: Family Law Advisory Committee.

Dear Mr. Doeren:

Thank you for your interest in the family law. The above committee is an advisory committee to the Kansas Judicial Council. At the present time we are not meeting for the reason the Kansas Legislature trimmed all of the funding for the council. Hopefully, the legislature will understand the need and grant a supplemental appropriation. If and when they do, I will place your name in the file as a person interested in working in the committee. At this time I have no idea when this might happen. I hope this is satisfactory and that you will continue your interest in the improvements the administration of justice.

With kindest regards, I remain,

Sincerely yours,

  
Herbert W. Walton

HWW:ms

1413SA  
2/17/92  
11-14

LAW OFFICES

**DAVID P. WOODBURY**

EXECUTIVE BUILDING, SUITE 125

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**Testimony of David P. Woodbury Regarding House Bill 2691**

February 17, 1992

I am an attorney in private practice in Johnson County, Kansas. My practice focuses almost exclusively in the area of Family Law. My experience in family law has been both that of a litigator and a mediator. I am the Chairman of the Family Law Bench Bar Committee of the Johnson County Bar Association. I am also a board member of the Johnson County CASA (Court Appointed Special Advocates) and the Association of Family and Conciliation Courts. Although I speak today on my own behalf, my judgments are influenced by my present and past associations.

I am in favor of House Bill 2691. I am particularly impressed by the idea of a pilot program. While the idea of a family court is a good one, it is important to carefully evaluate how such a specialized court works in practice. I am also very impressed by the specific criteria set forth in section (c) for the approval of each grant. In particular, I am concerned that the support services that presently exist in Johnson County will be incorporated into the new Family Court. We have benefitted greatly from a well-trained Domestic Court Services staff and the programs such as child custody investigations, mandatory mediation, education of parents about divorce (GRASP Program), and the pursuit of alternative forms of resolving conflict.

The one caveat I have about the idea of Family Court is funding. Unless we have the funds to attract and retain good judges and support staff — as well as the funds for continuing education for all personnel, the new Family Court will not benefit the children and families that are at the mercy of our judicial system.

*House Federal, State Affairs  
February 17, 1992  
Attachment # 12*

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Donna Whiteman, Secretary

FEDERAL AND STATE AFFAIRS COMMITTEE

February 17, 1992

Testimony in regard to House Bill 2691

AN ACT concerning courts; relating to a family court system; establishing a grant program for certain pilot projects.

Madam Chair, Members of the Committee, I am appearing today in support of HB 2691. The Department supports the concept that families are best served when court personnel with whom they must interact have specialized training, experience and interest in family law and dynamics. The Department supports the concept of a family court system.

**Purpose of the bill:**

The bill establishes a three year grant program that would, subject to appropriations and funding, provide for two pilot family court programs. One program would be located in an urban judicial district and the other in a rural district composed of three or more counties. The first year's grant would be used to plan and implement. Implementation would continue for the remaining two years. The bill sets out criteria for awarding of the grants. It also requires oversight, review and evaluation of the effectiveness of the pilot projects.

**Background:**

The increasing complexity of family law as well as the growing involvement of the legal system within family systems has created the need for a specialized court devoted to serving the legal needs of families and staffed by individuals interested and trained to provide that service. Perhaps it is no more appropriate for a general jurisdiction court system to rule on family problems, than it is for a family practitioner to perform brain surgery.

**Discussion:**

Families today routinely feel they are under siege and in desperate need of support and assistance. If involved with the court system (HB 2691 lists 22 avenues for family/court interaction and this is not an exhaustive list), the family must deal with an additional and complicated burden. In too many cases a family already struggling to cope is involved on more than one legal front. The family may know little or nothing about the legal system and it is, unfortunately, true that the legal system often knows little about families.

*House Federal & State Affairs  
February 17, 1992  
Attachment #13*

Testimony on HB 2691  
February 17, 1991  
Page Two

Even more unfortunately, the individuals responsible may have little interest in family law or dynamics. Although the procedure for transferring a custody dispute from domestic to juvenile court is clearly set out in K.S.A. 60-1610, it is evidently not understood, as it is rarely followed. An increased effort is being made to track custody filings and avoid forum shopping and duplicitive proceedings is reflected in a patchwork of interstate compacts, statutes, and court rules. Increasingly, those of us with the interest to be involved fulltime on the front lines of family law are recognizing the need to explore how best to serve these families and most effectively expend public monies.

**Effect of Passage:**

In addition to providing a better service and reducing trauma, a family court may well reduce the drain of funds resulting when family continue to battle each other in court.

**Recommendation:**

The Department supports the concept of a family court and the passage of this bill.

Carolyn Hill  
Acting Commissioner  
Youth and Adult Services  
Department of Social and  
Rehabilitation Services  
913-296-3284

HF<sup>2</sup>SA  
2/17/92  
13-2



## KANSAS MEDIATION SERVICE

3600 SOUTH BURLINGAME ROAD, SUITE 1A  
TOPEKA, KANSAS, 66611

Bernard J. Dunn, J.D., Director

Phone: (913) 267-5622

17 Feb 1992

To the House Committee on Federal and State Affairs  
Testimony on H.B. 2691  
Bernard J. Dunn, J.D.

It is important to understand that what is called mediation varies substantially in form and purpose.

Mediation which is private and protected from disclosure to the agencies and the courts can allow a safe haven to air underlying interests behind the positions and search for solutions which are based on hard and tested fact. When done correctly, the parties end up taking some pride of ownership in the results, even when they are not particularly happy with the compromises needed to reach the solution. The post-decision result is thus better understood, better accepted and more stable. Mediation which contaminates the fair court trial by disclosure of information, or which is a pressurized settlement device to push parties into a resolution to avoid use of court time, generally suffers from the failure rates and characteristics as a decision of the court acceptable to neither.

On the one hand the economic need of reducing court backlog and hearing time encourages trapping the parties, often without assistance of legal counsel, into a forced settlement. There is an appearance of resolution, but it is often imposed from outside rather than created by the parties. The resistance and sabotage based on lack of understanding and lack of acceptance continues.

On the other hand, the long range objective of stability and reduction of post-decision controversy in the court is more effectively reached by true mediation, which is both voluntary and private. (It may be that there is advantage in the court ordering the initiation of mediation, but once started, the court must not have access to any of the information about the negotiations, or the pressure to accept a suggested solution is present, defeating the objective. Trials in court hearings should remain clean and fair, and the judge should remain as judge without prior knowledge or opinion about who is meritorious in their position. The uncertainty of outcome should be pressure enough to encourage settlement, or else they should get their hearing.)

Mediation is not soft, it does not pamper, it does not condone whining. True mediation is a search for the realistic facts for both sides, the generation of a series of possible solutions, the skilled and technical guidance of the parties in the evaluation of those facts and solutions, and finally the selection by the parties of the solutions which maximize their own self-interest within the framework of those realistic facts. Mediation is sympathetic to the pain of the parties, whichever their position or side, and respects the emotional fabric of the parties' lives. However, agreements not founded on a hard nosed testing of the realistic facts, merely leads to disillusionment, followed by anger and the cycle starts again. However, the genius of mediation is that it uses techniques to bring the parties face to face to establish their own facts, interests and reasons and to support them by showing their validity, or else make the needed compromise or trades. Parties are encouraged to consult with legal counsel throughout the process. Attorneys are handicapped since they must take and advocates role at a minimum and a full blown adversary role at a maximum in representing the client. There is not true outsider without a mediator. Plus, the attorney is not able to employ the personal detailed knowledge of how the life of the party works now nor how they want it in the future without extensive and expensive 4 party negotiations. Mediation provides 2 party negotiations with a true neutral third party having skill but no stake in the outcome. True mediation is not only better for the people as family it is better for the court and taxpayer economics.



REPORT:

Leigh Travis, Ph.D.

Director, Juvenile Delinquency Research

THE NATIONAL CONGRESS FOR MEN AND CHILDREN

Midwinter Board Meeting

Atlanta, Georgia

February 1, 1991

House Federal & State Affairs  
February 17, 1992  
Attachment #15

REPORT:

Leigh Travis, Ph.D.,

Director: Juvenile Delinquency Research

February 1, 1991

What are the known causes of juvenile delinquency? How can it be treated, or better yet, prevented?

Let me first address what appears to be an understandably incorrect assumption of a great many people, namely, the assumption that "poverty breeds delinquency," and, as a corollary, that a great deal of poverty and hence delinquency is at least indirectly "caused" by divorced fathers. The thinking appears to go: "dead beat dads" do not pay their child support, and thus their children are economically deprived and turn into juvenile delinquents to survive. So goes the "common sense" causal argument of many a "man (and woman) on the street."

However, this "common sense" logic, while intelligible, appears to be scientifically incorrect. The basic problem does not seem to be missing money, but rather a missing father: "upwards of 25 percent of children in our society do not have a father living at home,"<sup>1</sup> and it is this fact of father-absence that is manifestly crucial in the etiology of

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1. Henry Biller and Richard S. Solomon, Child Maltreatment and Paternal Deprivation: A Manifesto For Research, Prevention, and Treatment (Lexington, Mass.; D.C. Health, 1986). This 25 percent of families produces 72 percent of the juvenile delinquency in this country. See n. 13, below.

juvenile delinquency, not necessarily the absence of father-funds.

The importance of having a father in the lives of his children is difficult to overestimate. Consider one of the phenomenon that fatherless homes have produced since approximately 1960:

- births out of wedlock have increased more than 450 percent in thirty years.<sup>2</sup>

This startling increase in antisocial behavior cannot be attributed to having a father at home; on the contrary:

- daughters from female-headed households are much more likely than daughters from two-parent households to themselves become single parents and to rely on welfare for support as adults.<sup>3</sup>

And these daughters from fatherless homes have other delinquency problems as well:

- females raised in female headed families are 52 percent likelier to have teenage marriages, 111 percent likelier to have teenage births, 164 percent likelier to have premarital births, 92 percent likelier to experience marital disruptions.<sup>4</sup>

Furthermore, these behavioral difficulties appear to be typical of fatherless sons as well as fatherless daughters:

- fatherless children are much more likely to develop psychiatric problems - boys three times as likely, girls four times as likely.<sup>5</sup>

<sup>2</sup>. Since c. 1967. Human Events, 24 January, 1987.

<sup>3</sup>. Susan Newcomer and J. Richard Udry, "Parental Marital Status: Effects on Adolescent Sexual Behavior": Journal of Marriage and the Family, 49, No. 2 (May, 1987).

<sup>4</sup>. "Intergenerational Consequences of Family Disruption," American Journal of Sociology, 4 (July, 1988).

<sup>5</sup>. "The Single Parent Family and the Child's Mental Health," Social Science Medicine 27 (1988).

And there are other serious delinquency problems exhibited by fatherless children:

- children in single-parent families headed by a mother have higher arrest rates, more disciplinary problems in school, and a greater tendency to smoke and run away from home than do their peers who live with both natural parents - no matter what their income, race, or ethnicity.<sup>6</sup>

"No matter what their income, race, or ethnicity:" thus, delinquency is not primarily a product of poverty:

- the percentage of single-parent households with children between the ages of 12 and 20 is significantly associated with rates of violent crime and burglary irrespective of whether or not the single-parent family is rich or poor, black, white or Hispanic.<sup>7</sup> (Emphasis added)

Of course delinquency problems appear in economically deprived inner-city homes as well, but these homes are usually also missing a father:

- many of the members of disruptive [New York City] groups and almost all of the street-gang members came from broken or severely disturbed and deprived homes. Many were from single-parent families where the mother had been unable to establish adequate behavioral controls over her male children.<sup>8</sup>

Not surprisingly, boys from intact, two-parent, homes, fare better than their fatherless compeers:

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<sup>6</sup>. Education Reporter, December, 1986.

<sup>7</sup>. Douglas A. Smith and C. Roger Jarjoura, "Social Structures and Criminal Victimization," Journal of Research in Crime and Delinquency, 25 (February, 1988). Emphasis added.

<sup>8</sup>. Francis A. J. Lanni, The Search For Structure: A Report on American Youth Today (New York: The Free Press, 1989).

- boys in single-parent households are much likelier to be delinquent than boys from intact families.<sup>9</sup>

But contrary to "common sense wisdom," these fatherless boys do not automatically "grow out of it":

- a high incidence of early father loss is consistent with . . . reports of an association between early father loss and adult depression and suicide.<sup>10</sup>

And children from fatherless homes do not do well in school:

- children of matrifocal families have significantly lower scholastic achievement than children raised in two-parent families.<sup>11</sup>

Just how serious a sociological problem are the children from of single-parent (mother-custody) homes?

- Seventy-five percent of all federal juvenile offenders come from broken homes.<sup>12</sup>

Thus, cash is NOT the cure for juvenile delinquency, nor does approximately thirty (30) years of research show divorced "dead beat" fathers by any means significantly

9. Bryce J. Christensen, "From Home Life to Prison Life: The Roots of American Crime," The Family In America, Vol. 3, No. 4 (1989). "Single-parent home" is a euphemism for mother-custody home.

10. Lynda W. Warren and C. Tomlinson-Keasey, "The Context of Suicide," American Journal of Orthopsychiatry, 56, No. 1 (January, 1987).

11. Yochanan Peres and Rachel Pasternack, "The Importance of Marriage for Socialization: A Comparison of Achievements and Social Adjustment Between Offspring of One, and Two-Parent Families in Israel," in Contemporary Marriage: Comparative Perspectives of a Changing Institution, ed. Kingsley Davis in association with Amyra Gressbard-Schechman (New York: Russell Sage Foundation, 1985).

12. Ramsay Clark; Crime in America (New York: Pocket Books, 1970). From the studies done since, in part cited here, it looks like nothing has changed except that the situation has apparently gotten worse since approximately 1970 when Clark's report was first published.

responsible for creation of juvenile delinquents. To the contrary, the sociological and psychiatric research indicates that approximately 72% of juvenile crime is committed by the children of divorce (or of no marriage) who are raised in single-parent, mother-custody homes - children who rarely, if ever, see their fathers (or, for that matter, know who their fathers are).

This is of course not to say that "all" mother-custody homes are going to automatically produce juvenile delinquents, or that juvenile delinquency is not sometimes associated with two-parent or father-custody homes; however, it is clear that one of the critical causative roots of the juvenile delinquency problem in The United States is that the children from single-parent mother-custody homes are fatherless: children from fatherless home are seven times as likely to be emotionally disturbed and/or delinquent, or both, than are children from two-parent or single-parent-father-custody homes.<sup>13</sup> Why this causality is almost invariably present in the family histories of juvenile delinquents, no one claims to know: that such is the case, however, no respectable researcher disputes.

One of the critical first steps in resolving the massive <sup>14</sup> problem of juvenile delinquency, I therefore submit, is to put the divorced father back in the "home" by

<sup>13</sup>. Daniel Amneus, The Garbage Generation (Primrose Press, Alhambra, CA, 1990), p. 179.

<sup>14</sup>. Juvenile delinquency, according to the Federal Bureau of Investigation, is the #1 crime problem in the country.

getting him some form of custody, or into the daily lives of his children by getting him court-ordered, and enforceable, rights of specific visitation ("parenting time") to help his children become productive members of society, not non-productive and often self-destructive delinquents. This task appears to largely be a father's job: the inescapable "message" of my research shows that the presence of a father is absolutely essential to the mental and emotional health of children, no matter what their social status, race or ethnicity.

I therefore believe that The National Congress for Men and Children, with the cooperation of mental health, educational and law enforcement professionals, should forthwith create and implement specific intervention programs designed to curtail and eventually stop this tragedy of the preventable destruction of our children. It's our job: we are, after all, the national organization for fathers and children, are we not?

H. B. No. 426  
By: Representative McKinney of the 40th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 11 of Title 19 of the 31  
2 Official Code of Georgia Annotated, the "Child Support 32  
3 Recovery Act," so as to provide for legislative intent; to 33  
4 provide that a parent who is financially unable to provide 34  
5 child support because of involuntary unemployment shall not  
6 be imprisoned for nonpayment of child support; to provide 35  
7 that a court shall order such parent to enter a public 36  
8 vocational rehabilitation program; to provide for the terms 37  
9 of a court order for vocational rehabilitation; to provide 38  
10 that the Department of Human Resources enforce compliance  
11 with a court order for vocational rehabilitation; to provide 39  
12 that the state shall pay all costs for vocational 40  
13 rehabilitation; to provide that the parent shall reimburse 41  
14 the state; to provide that the duty of child support shall  
15 be waived during the period of vocational rehabilitation; to 42  
16 provide for related matters; to repeal conflicting laws; and 44  
17 for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA: 47

19 Section 1. Article 1 of Chapter 11 of Title 19 of 50  
20 the Official Code of Georgia Annotated, the "Child Support 51  
21 Recovery Act," is amended by adding at the end thereof a new 52  
22 Code Section 19-11-27 to read as follows: 53

23 "19-11-27. (a) The General Assembly finds that 55  
24 involuntary unemployment due to poor job marketability 56  
25 which is caused by a lack of employable skills,  
26 training, or knowledge is often the underlying reason 57  
27 for the failure of noncustodial parents to meet child 58

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1 support obligations. Enforcing the obligation of child 59  
 2 support by imprisoning noncustodial parents who have the  
 3 desire to pay but not the means, due to a good faith 60  
 4 inability to earn an income, is of no financial benefit 61  
 5 to the children and is of no effect in improving the 62  
 6 long-term problem of assisting such parents in obtaining  
 7 and maintaining permanent employment. It is the intent 63  
 8 of the General Assembly to provide for vocational 64  
 9 rehabilitation for such noncustodial parents as an  
 10 alternative to imprisonment and to effect a better 65  
 11 long-term solution which will benefit the children, the 66  
 12 parents, and the state.

13 (b) A parent who is a defendant in a criminal 68  
 14 proceeding for failure to pay child support or against 69  
 15 whom a judicial action for contempt has been brought to 70  
 16 enforce a court order for child support shall not be  
 17 sentenced by the court to imprisonment if the court 71  
 18 finds that such parent is financially unable to provide 72  
 19 child support due to a good faith inability to earn an  
 20 income, and that such parent has in good faith exhausted 74  
 21 all of his or her available resources in an effort to 75  
 22 meet child support obligations. If the court finds that 76  
 23 such person's good faith inability to earn an income is  
 24 due primarily to a lack of employable skills or 77  
 25 training, then, in lieu of imprisonment, the court shall 78  
 26 order such person, as a part of the disposition of the  
 27 case, to attend and complete an approved and designated 79  
 28 federal, state, or local vocational rehabilitation 80  
 29 program which is designed to provide job testing,  
 30 counseling, and training and to lead to compensated 81  
 31 employment. The order shall specify the name and 82  
 32 address of the vocational rehabilitation program to  
 33 which the person is referred, the date upon which the 83  
 34 person's participation in the program shall commence, 84

1 and the maximum length of time a person shall be 84  
 2 required to participate in the program. The order shall 85  
 3 stipulate that the person complete the minimum period of 86  
 4 training prescribed or recommended for each job 87  
 5 classification by the agency administering the program;  
 6 provided, however, a person shall not participate in 88  
 7 training for a job classification for which the 89  
 8 recommended or prescribed minimum period of training  
 9 exceeds 20 weeks. The order shall also stipulate that 90  
 10 the parent shall submit evidence of completion of a 91  
 11 designated program to the department. Failure to 92  
 12 complete a designated program within the maximum  
 13 stipulated time period shall be contempt of court. 93

14 (c) The record of the disposition of the case, 95  
 15 including the order required in subsection (a) of this 96  
 16 Code section, shall be forwarded to the department which 97  
 17 shall be responsible for ensuring compliance with the  
 18 provisions of a court order requiring vocational 98  
 19 rehabilitation for a parent. One copy of the court order 99  
 20 of referral shall be sent to the administrators of the 100  
 21 designated vocational rehabilitation program.

22 (d) A person referred under court order to a 102  
 23 vocational rehabilitation program shall be required to 103  
 24 meet all of the eligibility requirements for admission 104  
 25 to a designated program which are prescribed by the  
 26 administrators of such program. 105

27 (e) The administrators of any vocational 107  
 28 rehabilitation program may refuse to admit any person 108  
 29 referred to the program under the provisions of this  
 30 Code section. The refusal to admit such person shall be 109  
 31 communicated in writing to the court which made the 110  
 32 referral.

33 (f) The administrators of any vocational 112  
 34 rehabilitation program may expel any person referred to 113

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1 the program under the provisions of this Code section 113  
 2 when, in the judgment of the administrators, the person 114  
 3 is not cooperative with the program. The expulsion of 115  
 4 any such person shall be communicated immediately in 116  
 5 writing to the court which made the referral. The court  
 6 shall reassess and determine the appropriate sentence or 117  
 7 adjudication.

8 (g) Each vocational rehabilitation program to 119  
 9 which a person is referred under court order pursuant to 120  
 10 this Code section shall keep an accurate daily record of 121  
 11 attendance of those persons referred. If any referred  
 12 person does not attend the program in any three or more 122  
 13 consecutive days, the program administrators shall 124  
 14 immediately notify in writing the court which made the  
 15 referral.

16 (h) The state shall assume any costs incurred for 126  
 17 court ordered vocational rehabilitation pursuant to this 127  
 18 Code section; however, such costs shall be assessed as a 128  
 19 debt due and owing the state by the parent upon  
 20 termination or completion of job training. 129

21 (i) During the period a person is participating in 131  
 22 a vocational rehabilitation program pursuant to the 132  
 23 provisions of this Code section, he or she shall be 133  
 24 relieved of the obligation of child support. The court  
 25 order issued pursuant to subsection (b) of this Code 134  
 26 section shall stipulate that the original support 135  
 27 obligations shall resume upon completion of a designated  
 28 program." 136

29 Section 2. All laws and parts of laws in conflict 139  
 30 with this Act are repealed. 140

# CHILD SUPPORT FACTS

A GATHERING OF FACTS  
FROM  
VARIOUS SOURCES

December 15, 1989

BY:  
FATHERS ARE PARENTS TOO, INC.  
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# FATHERS ARE PARENTS TOO, INC.

## CHILD SUPPORT

### FACTS

48% of non-custodial fathers pay their child support in full and on time.

26% of non-custodial fathers pay part of their child support obligations.

26% of non-custodial fathers do not pay any of their child support obligation.

\* Congressional Research Service, Library of Congress, July 12, 1983.

However:

93% of all custody awards give custody of the minor child to the mother. (98% in Georgia)

\* Several sources including the State Attorney General's office, Cobb County Court, and the Center for Policy Research, Denver, Colorado.

375,000 infants are born each year addicted to illegal drugs. 11% of births result in serious drug related medical and behavioral complications. Infant mortality in Washington, D.C. is 32 out of 1000 due to cocaine addicted mothers.

\* ABA Journal, Aug, 1989.  
\* USA Today, 10/31/89.

93% of women receiving sole custody in divorce receive an award of child support at the expense of the non-custodial father.

\* "Supporting Children After Divorce: The Influence of Custody on Support Levels and Payments", Family Law Quarterly, Volume XXII, Number 3, Fall 1988.

Of the 7% of men who are given custody, only 37% are awarded child support at the expense of the non-custodial mother.

\* "Supporting Children After Divorce: The Influence of Custody on Support Levels and Payments", Family Law Quarterly, Volume XXII, Number 3, Fall 1988.

71% of mothers in the child bearing/child rearing age brackets work outside of the home, yet in divorce when the mother loses custody, most non-custodial mothers are not required to pay child support, and the percentage of non-compliance by non-custodial mothers is proportionate to the noncompliance rate by non-custodial fathers.

94% of parents in joint custody arrangements pay their child support on time and in full.

- \* The Irving Study  
Dr. Howard Irving  
School of Social Welfare  
University of Toronto, Canada

Fathers in regular contact with their children paid 85% of their child support.

- \* "Making Fathers Pay - The Enforcement of Child Support"  
David Chambers, University of Chicago, 1979.

77% of non-custodial fathers are NOT able to "visit" their children, as ordered by the court, as a result of "visitation interference" perpetuated by the custodial parent. In other words, noncompliance with court ordered visitation and access is three times the problem of non-compliance with court ordered child support and impacts the child's life even more.

- \* "Visitational Interference - A National Study"  
Ms. J. Annette Vanini, M.S.W. and Edward Nichols,  
M.S.W.

"There is a relationship between the frequency, regularity and flexibility of visitation and the payment of child support which emerges at 18 months after separation and held over a five-year period of the study."

- \* Assessment of the child support payment patterns of 60 families, Judith Wallerstein and Dorothy S. Huntington, "Bread and Roses: Nonfictional issues related to Fathers' Economic Support of Their Children Following Divorce" in "The Parental Child Support Obligation: Research, Practice & Social Policy". ed J. Cassity (Lexington, Mass.: Lexington Books, D.C. Heath, 1983).

Georgia is third (3rd) in the nation in the percentage of

families headed by women. Only the District of Columbia and New York have a higher proportion.

- \* Gender Bias Study, Of the Court System in Massachusetts, 1989.

As of June, 1989, 25 states had adopted the Income Shares model as their guidelines for child support. To quote the committee for the state of Indiana, "after review of all five approaches to the establishment of child support, the Income Shares Model was selected for the Indiana Guidelines. This model was perceived as the most fair approach for children because it is based on the premise that children should receive the same proportion of parental income after a dissolution that they would receive if the family remained intact. Because it then apportions the cost of children between the parents based on their means, it is also perceived as being fair to parents." The Incomes Shares Model was developed by The Institute for Court Management of the National Center for State Courts under the Child Support Guidelines Project. This approach was designed to be consistent with the Uniform Marriage and Divorce Act.

- \* "Child Support Guidelines: What States Have Done and The Next Set of Issues", Janice T. Munsterman, National Center for State Courts, Arlington, Virginia: and the State of Indiana Report on Guidelines, Child Support Enforcement Division.

Georgia was one of only 13 state to adopt a "flat percent" of income for their child support guidelines. Georgia was one of only 4 states to adopt a flat percent of income based on "gross income", and Georgia was one of only two states to adopt the Wisconsin Percentage of Income which looks only at the income of the non-custodial parent with no mandatory consideration for the means and income of the custodial parent. Concerning the Wisconsin Percentage of Income model, the Advisory Panel on Child Support Guidelines (U.S. Department of Health and Human Services, Office of Child Support Enforcement under a grant to the National Center for State Courts) in its published manual did state: "the administrative benefit of simplicity (of the Wisconsin model) may be obtained at the price of some loss of equity because it does not provide special treatment for certain key factors such as custodial parent's income".

- \* "Child Support Guidelines: What States Have Done and the Next Set of Issues", Janice T. Munsterman, National Center for State Courts, Arlington, Virginia. and "Development of Guidelines for Child Support

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Orders", Advisory Panel on Child Support Guidelines, Office of Child Support Enforcement, U.S. Department of Health and Human Services.

The Office of Child Support Enforcement (OCSE) hired the Urban Institute and the University of Chicago to do a survey of absent parents. However, when the preliminary results of this survey challenged some of the "anti-father" myths promoted by the agency, OCSE cut off funding so that the project could NOT be completed. Probably most important of all the findings in the report is that the most often quoted statistic about "deadbeat dads" - that 50% of all divorced fathers are delinquent on child support - IS A LIE! The Urban Institute reports, "there were substantial differences between custodial and non-custodial parents in terms of reported levels of payment. On average, custodial parents reported receiving lower amounts of support than non-custodial parents report paying. It is possible that the child support payments are systematically underestimated in major data bases because they rely solely on the reports of custodial mothers." The report went on to say that "weekly contact between the non-custodial parent and the child as a predictor of payment compliance was a major factor".

- \* "O.C.S.E. Conspiracy Uncovered: Study Debunks Anti-Father Myths", Fathers for Equal Rights Newsletter, January, 1989.

"Society cannot take away father's rights to his children and expect him to cheerfully pay child support. Society cannot expect a father to make enough money to support two separate households. Society cannot afford to support mothers who choose not to work. Yet, this is what it does."

"Almost twenty percent of all children are born out of wedlock."

"New and more efficient methods have been developed to make more fathers pay, and to make fathers who do pay, pay more. Individual rights have been compromised for the good of the cause."

"The child support enforcement program has NOT accomplished its objective: it has NOT significantly reduced poverty in single-parent household. Less than TWO percent of the single mothers receiving welfare are removed from the welfare rolls each year because of child support. This is because the nonpayment of child support is NOT the real cause of poverty

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in single-parent families. The system is the BAD guy. It does NOT work, but the father is being blamed for it."

"All fathers have a duty to pay a reasonable amount of child support no matter how badly the system treats them. It is NOT possible however, for fathers to pay enough to solve the problem of poverty in single-parent households."

"The real problem is that there is not enough money to go around after separation or divorce. Until the government recognizes this and develops programs to assist mothers in obtaining gainful employment, the problem will never be solved. It is important that mothers who are receiving welfare, and are physically able to work, be required to do so. Equally important, the government must create an environment where mothers can work."

"Someday, welfare reform may become a reality. In the meantime, however, the father is caught in the middle. He must deal with a social environment that takes away his rights to his children and expects him to pay the bill. He must deal with a social environment that is attempting to force him to resolve a problem that he can't possibly solve."

\* The previous seven (7) quotes are taken from - "Fathers' Rights: The Sourcebook for Dealing with the Child Support System" by Jon Conine. It must be pointed out that Mr. Jon Conine was Director of the Washington State Child Support Enforcement Program and has worked in child support enforcement for seventeen years.

"The largest single factor accounting for the increase in AFDC rolls has been the increase in the number of families in which the parents were never married."

Congressional Research Service, Library of Congress, 1983.

Children given access and a relationship with both parents do adapt better socially and psychologically to the divorce, and the highest group is the children of joint custody.

\* Several sources including The Joint Custody Association, "Families First" at the Cobb County Divorcing Parents seminar, among others.

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The nation's elementary school principals say pupils from non-traditional, single-parent homes suffer academically despite educators' efforts to adjust for changes in the American family. While 60 percent (of the NAEB Principals surveyed) said children from single-parent families suffer academically, the largest percent stated that it was due to the number of parents at home, not the economics of child support or family income." Children need both parents in their supporting networks of adults.

\* "Single-Parent Students Suffering"; Marietta Daily Journal, April, 1989.

The top problems which our school officials had to deal with in 1940 concerning our children were:

1. Talking
2. Chewing gum
3. Making noise
4. Running in the halls
5. Getting out of line
6. Wearing improper clothing
7. Not putting paper in wastebasket

The top problems which our school officials have to deal with today concerning our children are:

1. Drug abuse
2. Alcohol abuse
3. Pregnancy
4. Suicide
5. Rape
6. Robbery
7. Assault

\* Joint study by the California Board of Education and the Fullerton County Police Department.

Teenage suicides, teenage pregnancies, teenage runaways, juvenile criminals, teenagers & children abusing drugs & alcohol, high school dropouts, children in jails & prisons - all share one very large common denominator - children of single parent households.

We must move to a legal framework for divorce that severs the martial bonds without severing the parent-child bonds.

Fathers are fed up with a legal and social system that regards fatherhood as second-class parenthood in every area except FINANCIAL RESPONSIBILITY. They are fed up with the

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judicial assumption that MALENESS automatically disqualifies them from parenthood. They are fed up with a government and court system that will garnish their wages or jail them for nonpayment of child support, yet not lift a finger to ensure their rights to a parent-child relationship or enforce the visitation requirements with the same force and resources as the child support. Fathers are fed up with a social and legal system that makes their CHILDREN the VICTIMS of divorce.

Our current legal system is a failure. It tells a father that -

- 1) you don't count!
- 2) you have no rights!
- 3) your role as a parent does not count!
- 4) your relationship with your own children is not important, we won't protect or enforce it,

but YOU had better be financially responsible to this same system that just emasculated you or we'll put you in jail and garnish your wages. Our history is littered with examples of people refusing to be oppressed no matter how good the cause.

Our current legal and social system of dealing with children and parents in divorce is a FAILURE.

The problem of child support compliance is a symptom of the disease. The disease is our legal approach to parent-child relationships which is WRONG.

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**TREAT CAUSES; NOT HUNCHES OF INTERGENERATIONAL TRANSMISSION**

**DOES VIOLENCE BEGET VIOLENCE?**

"...the type of abuse or neglect is not as powerful a predictor of violent criminal behavior as the demographic characteristics of sex, race, and age."

*Cathy Spatz Widom, Dept. of Criminal Justice & Psychology, Indiana, Univ., Bloomington, Ind., The Cycle of Violence. Science, Vol 244, April 1989, page 163.*

**LEGISLATE PRIORITY PROBLEM/SOLUTIONS RATHER THAN LEAP-FROGGING TO UNCERTAIN THEORIES**

"The parents most at risk for serious child abuse have

low incomes

and are most often poorly educated;

they are typically subject to a greater than ordinary barrage of social stresses.

Including frequent unemployment, and excessive geographical mobility;

where there are men in the home, they are disproportionately

often out of work

or employed in low level jobs;

the families are often very large.

with at least some of the children unplanned and unwanted;

parents are likely to be very young.

frequently under twenty;

they have few parenting skills

are generally unprepared for the complexities and frustrations of

child-rearing;

usually isolated from sources of social support

family, friends, community organizations,

public social services."

*Controlling Crime, Pantheon Books, N.Y., page 209*

**ABILITY FACTORS IN CHILDREN'S STABILITY:**

**ENDORSE FAVORABLE OPPORTUNITIES, DON'T PUNISH THE CHILD & EXCLUDED PARENT**

**PROTECTIVE FACTORS MAY INCLUDE:**

- Positive relationship with the nonoffending parent
- Other positive adult relationships
- Child's intelligence
- Child's emotional resiliency
- Child's sense of self-efficacy
- Warmth and cohesion with extended family members
- Child's participation & mastery in community affairs:

*Mindy S. Rosenberg, Yale University. New Directions for Research on the Psychological Maltreatment of Children. American Psychologist. Vol. 42., No. 2., February 1987. page 169.*

**FACTORS PROTECTING A CHILD FROM PSYCHIATRIC RISK:**

- Positive personality dispositions
- Socially responsive, Positive mood
- Gender
- Girls less vulnerable than boys
- Parental warmth
- Supportive school environment
- (Reinforcing children's coping efforts)
- Marital support from a nondeviant spouse

*Rutter, M., Cox, A., Tupling, C., Berger, M., & Yule, W. (1975) Attainment & adjustment in two geographic areas. I. The prevalence of psychiatric disorder. British Journal of Psychiatry: 126. 493-509. and Quinton, D., Rutter, M., & Liddle, C., (1984) Institutional rearing, parenting difficulties and marital support. Psychological Medicine. 14, 107-124.*

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## CHILD CUSTODY AND PARENTAL COOPERATION

Frank S. Williams, M.D.\*

Presented at American Bar Association Family Law Section, August 1987

### INTRODUCTION

There is the myth in some mental health, legal and judicial thinking that joint custody can only be effectively undertaken by cooperative parents. To the contrary, joint custody provides one of the best methods of stimulating a degree of significant and meaningful cooperation in warring parents who would otherwise continue years of battling to the detriment of their children. The years of battling are particularly ferocious as one parent abuses the power of sole custody and the other parent fights the abuse in an attempt to gain back his or her lost parental identity.

For 22 years, the Cedars-Sinai Family and Child Psychiatry staff has focussed on family health and family pathology. Until about 12 years ago, our main diagnostic and treatment attention was to intact families with severe dysfunction, most often related to severe deficits in parental cooperation. Preschool children in these intact but dysfunctional families made up a significant part of our clinical population. As preschool children are most developmentally vulnerable to the rage, chaos, and warring that goes on when there is marked uncooperativeness between parents, we needed to develop family therapy and counseling techniques which would hopefully increase parental cooperation. Our objective was to at least partially decrease the mutual distrust, rage, power struggles and helplessness in the parents. Again, these parents were not interested in separating or divorcing.

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During the past 13 years our family and child psychiatry clinic population has shifted, so that now approximately 60% of the children we see - including a large number of preschool children - are from families of divorce or separation. Additionally, we have developed a special program and expertise in the area of custody evaluation and custody counseling, thereby receiving a large number of evaluation and counseling referrals from the Court, attorneys, conciliation clinics, and mental health professionals. Most of our custody case referrals are cases of warring, non-cooperative parents. Usually the court, the conciliators and the attorneys involved in these cases have been stymied and have felt helpless and frustrated.

### THE DYNAMICS OF COOPERATIVE PARENTING

The particular parents involved are usually uncooperative and warring for any of the following reasons:

1. One - occasionally both - of the parents is severely psychologically disturbed or severely deficient in parenting skills, without recognizing that deficiency.
2. Both parents are competent and emotionally attached to their children; one, or both, however, wants to maintain the primary parental identity by erasing the other parent. We have come to call such attempted physical and psychological erasure: "parentectomy."

Our experience leads to the conviction that parental identity - if strengthened in both parents - can increase cooperation and that cooperation should not be a criteria for joint custody vs. sole custody schedules for children. During the ensuing years, after custodial orders are in place, children of parents who remain highly uncooperative suffer greatly, and suffer just as much in unilateral sole custody as in joint custody arrangements.

The main hope for averting the later depression, conduct disorders, drug usage, school and peer

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problems in these children is for their parents to learn how to cooperate. Even minimal development of a cooperative attitude in such parents can prevent and decrease the severity of emotional disorders in their children, again regardless of whether there is unilateral sole custody or joint custody.

Recognizing that the chronicity of parental uncooperativeness is the principal villain in post-divorce child and adolescent psychological disturbance, we in our family counseling programs at Cedars-Sinai Medical Center, have focused on ways of developing and enhancing cooperation. In our experience the essential minimal cooperation needed to best help children through their post-divorce problems develops more rapidly and is sustained more often when there is joint legal custody, and when there is a carefully structured very clearly defined shared or joint physical custody.

We find a greater failure of development and growth of parental cooperation in unilateral sole legal and sole physical custody situations for the following reasons:

The parent feeling erased, as a victim of a psychological or legal parentectomy, as traditional, "visiting" non-custodial parents usually do feel, remains enraged over his or her loss of parental identity. In this state of rage, the psychologically erased parent feels powerless and depressed.

Sometimes such mothers or fathers who feel this rage, depression and powerlessness adapt to and overcome these feelings by removing themselves from the struggle and giving up the battle. In so doing they may abandon their children financially, physically and psychologically. That is the most devastating consequence possible for children of divorce, and in our experience is highly correlated with the later development in children and adolescents of the most severe emotional disturbances, including suicidal depression.

More frequently the mother or father who feels such rage, depression and powerlessness over being erased as a result of unilateral sole custody being given to the other parent, does not abandon the battle, but instead continues to fight viciously with the other parent.

The vicious battle takes the form of both open war as well as subtle more concealed warfare in which sabotage of the other's parental identity ensues. Cueing the children to not enjoy time with the other parent is one form of such sabotage. In either event the battle remains vicious and unrelenting, and precludes the development of even minimal parental cooperation. Parents in such a state of war-like tension are unable to focus upon or experience those elements necessary for the development of cooperation.

Those elements include:

- (1) accurate perception of the other parent's parental competence;
- (2) a capacity to patiently assess the positive potential of the other parent's wishes or judgments about their activities, life-style, relationships or values for their children;
- (3) a capacity to hear and understand the other parent's communication with objective perceptions, rather than with paranoid mistrust.

When parents live in an atmosphere of constant expectation of war, the consequent preparing for self-defense or readying for an offensive attack, does not allow them to easily see the "goodness" in the "enemy." In our experience, sole custody more often than joint custody continues to fan the flames of such war, thus blocking any potential for cooperation.

#### PARENTAL IDENTITY AND COOPERATION

There are those who would believe that one can maintain a good sense of parental identity by "quality" visitation contacts - even if those contacts are infrequent - compared with quantity of custody contacts. That is just not so. Each of our identities - be it our professional, or marital or our parental identity - is fulfilled by both the quality and quantity of our experiences.

If a cardiac surgeon does a masterful triple by-pass once a year when he has been used to doing them once a week he no longer truly feels like a practicing surgeon; if a trial attorney performs brilliantly once a

year when he has been used to weekly courtroom work, he no longer truly feels like a practicing trial attorney; if I were to help only one child and that child's parents once a year, I would no longer truly feel like a practicing family and child psychiatrist. So too, when fathers and mothers are wonderfully interactive, responsible, and loving with their children, two to three times a month, when they have been used to being with their children most every day, they no longer truly feel like a parent.

### STRUCTURED DETAILED CUSTODY ORDERS AND PARENTAL COOPERATION

Clear structure and orders framed with detail leads to sufficient cooperation by minimizing the need for contacts and negotiation, and clarifying decision-making in advance.

Studies done to date are deficient in that they have not reviewed different custodial outcomes when minimal structure is provided in Court orders, as compared with maximum detailed structure provided in Court orders.

As designing a structured custody order requires compulsive attention to details - judges are often mind-boggled by such potential work and may unfortunately give in to providing orders which are loose, and require too much negotiation; or they may give in to a misbelief that if they order sole custody, and traditional visitation, such structure and detail is less necessary.

Since parental judgment and leadership are weak following divorce, the court must step in and convey the message that parents of divorce are expected to cooperate.

We have seen a growing number of cases where in the initial hearing the Court has, with extremely raging, uncooperative parents, ordered temporary joint custody with very structured time-sharing guidelines, pending the outcome of the full custody evaluation. By the time these warring parents get to us, the very experience of having had to accept the reality of the other parent's parental identity, and the very experience of seeing that their own parental identity need not be wiped out, have already lessened some of their anxiety and mistrust. There is often a sense of relief over having seen the first glimpse of a way out of their entrapped turmoil and family chaos. By the time they get to us, they have already developed some of the minimal cooperation which helps children in any type of custody arrangement.

### PROBLEMS IN CHILD DEVELOPMENT FOLLOWING DIVORCE

Those post-divorce factors which contribute to children's psychological, development and academic decompensation appear to be the same in joint and sole custody families. They are:

1. Appearance on the scene of harsh or overzealous step-parents or new siblings;
2. Having one or both profoundly emotionally disturbed parents with marked psychological disorganization;
3. Having one or both parents with a severe deficit in empathy for, and commitment to children, often leading to indifference or neglectful care;
4. Having one or both parents with heavy drug or alcohol abuse problems;
5. Having a minimally structured, or over-flexible custody plan which allows potentially warring and violent parents too much contact and too much need for negotiation;
6. Having one or both parents with a pathological over-attachment to a child, or a need to use a child as a substitute for a lack of adult love relationships in the parent's life;
7. Having one or both parents unable to shield the child from overexposure to the parents' mutual hatred and mistrust;
8. Having one or both parents with a severe deficit in parenting skills, unable to provide basic dependency need nurturance or any authoritative guidance and structure.

In certain of these situations which portend emotional gloom for children, carefully framed detailed joint custody plans can help children more than sole custody plans. For example, if one parent has a pathological over-attachment to the child, and the child has been primarily with the over-needy parent, joint custody can help neutralize the toxicity of that bond by decreasing the time of the child with the parent, without completely erasing the bond to which the child has become accustomed. If a new harsh or overzealous stepparent or the arrival of a new step-sibling or half siblings creates neglect, depression or turmoil for a child who had been the only child in a particular family setting, the additional time with the other parent afforded by joint custody, can neutralize the neglect, depression, and turmoil.

## KIDNAPPING AND VIOLENCE IN RELATION TO CUSTODY

The potential for abduction of children or the violent physical abuse of children is often presented as a spurious argument against joint custody. 90% of the violence and kidnapping we have seen are in sole custody situations in which the sole custodial parent fears losing his or her cherished sole custody status, or the parentectomized parent kidnaps the child away from the sole custody parent who possessively blocks the visiting parent from access to the child. The cases of the most serious violence we have seen include child and parent murder, and suicide. In these cases, the violence did not occur because the parents were unable to handle joint custodial decisions. Rather, the violence occurred when one parent was threatened by the potential loss of his or her children by the unilateral attempt of the other parent to leave with the children. Such unilateral abuse of parental custodial power is, again, more common in Court-ordered or assumed sole custody situations, before Court intervention.

## GEOGRAPHIC DISTANCE AND CUSTODY

Geographic distance should not be a criterion for awarding of sole legal or physical custody. Some parents plan distant moves with their children far away from the other parent. Often such moves are not essential, and disrupt a child's school, peer and extended family relationships.

Usually the parent who precipitously moves, without careful forethought and professional guidance, is the parent least open to providing the children with ongoing access to the other parent. Nonetheless the Court should not punish either parent or the child in face of such planned moves. First of all, such moves, unless essential, should be discouraged. Then, when there is no choice, we need to develop creative plans in which, during any given year, the child victim of such moves gets to spend significant time with each parent in each parent's community.

Although such plans are costly and involve much parental and child travel time, the emotional costliness of the de facto loss of a parent is greater.

## FINANCIAL MOTIVATION IN RELATION TO CUSTODY ISSUES

There are mothers and fathers motivated by monetary concerns, in their custody battles. A father may be partly motivated to gain joint custody for monetary reasons - to hopefully pay less child support. Nonetheless, the evaluation of the child and family may show that in spite of his monetary motivation, it would still be best for that particular child to be in the joint custody of both parents; or perhaps in father's sole custody, or perhaps in mother's sole custody. A mother may be motivated to gain sole custody for monetary reasons - to hopefully receive more child support. Nonetheless, the evaluation of the child and family may show that in spite of her monetary motivation, it would still be best for that particular child to be in the sole custody of that particular mother; or perhaps in the joint custody of both parents; or perhaps in father's sole custody. Parents rely heavily upon the judgment of their attorneys and psychotherapists, at a time when financial pressures are great and their own judgment is decreased. Certain attorneys and certain advocate psychotherapists of a parent often stimulate financial anxieties, by nature of the enormous expenses involved in custody litigations and expert psychiatric testimony.

## CONCLUSION

A shared or joint custody schedule should always be considered by the Court along with sole custody. Our position is that joint custody should be considered first in the form of rebuttable presumption, and then ruled out only where appropriate in the child's best interests. Some mental health professionals believe joint custody is the best arrangement for children when parents are able to do it.

I believe any custody works better when parents can learn to cooperate.

The Court, attorneys, and mental health professionals have the duty, the challenge, and the obligation to help parents become able to do it.

Our experience is that the minimal cooperation necessary for parents to become able to do it can be achieved if we structure joint custody plans to minimize negotiation and maximize clarity.

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Williams, F.S.: Issues in divorce: toward a more creative custody. Presented at the Cedars-Sinai Medical Center Conference on Family Mental Health, Los Angeles, November 1978

Williams F.S.: What can judges and mediators do to ameliorate the effects of divorce on parents and children? *Family Law News* 6:5-8, 1982-1983

Williams F.S.: A father's post-divorce struggle for parental identity. In: *Divorce and Fatherhood: The Struggle for Parental Identity*, The Monograph Series of the American Psychiatric Press, Inc, Clinical Insights, edited by John W. Jacobs, M.D., American Psychiatric Press, Inc., Washington, D.C., 1986.

## PROFESSIONAL SKETCH

Frank S. Williams, M.D. is a Child Psychiatrist and Psychoanalyst for adults and children, licensed and practicing in the State of California. He is Board Certified by the American Board of Psychiatry and Neurology in both Adult and Child Psychiatry. Williams is the Director of Family and Child Psychiatry at Cedars-Sinai Medical Center in Los Angeles, where he and his colleagues have developed nationally recognized preschool and family psychiatric diagnostic and treatment programs. Dr. Williams has been a pioneer in the assessment and treatment of pathogenic preschool family and child communication systems. He is a former President of the Southern California Society for Child Psychiatry; has served on the editorial board of the *Journal of the American Academy of Child Psychiatry*; and is a past-President of the American Society for Adolescent Psychiatry.

Dr. Williams developed and directs the Cedars-Sinai Programs for Children and Families of Divorce. He has been a member of the California State Family Association's Standing Committee on Child Custody and Visitation. He has served on the Los Angeles Family Conciliation Court Task Force assembled in 1981 by the then presiding Judge of the Family Law Department of the Los Angeles County Superior Court, the Honorable Billy Mills. Dr. Williams is one of the co-authors of the Cooperative Parenting Pamphlet, which is distributed by the Conciliation Court for the Los Angeles County Superior Court to families seeking divorce in Los Angeles County. During the course of the past sixteen years, Williams has published and lectured nationally in the areas of family and marital evaluation; parent-child communications systems; preschool family dynamics; language development in early childhood; approaches to families and children of divorce; physical and sexual child abuse; adolescent psychiatry; and treatment approaches to preschool children, infants, and toddlers.

As Director of Family and Child Psychiatry, Williams trains and supervises a professional mental health staff of fifteen qualified family and child psychotherapy clinicians, as well as a large body of students - including twenty-five medical, psychology and social work students, and advanced psychiatric residents training to become Child Psychiatrists, in the areas of family and marital diagnosis, custody evaluation, divorce counseling, child abuse, preschool early intervention, adolescent psychiatry, and family therapy.


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**PROFESSIONAL OBSERVATIONS,  
STUDIES & ANALYSIS**

**of CHILDHOOD OBSERVATION  
and ADULT DOMESTIC VIOLENCE**

**Sources cited.**

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## ABUSE LEADS TO ABUSE ? : NO CONVINCING PROOF

There is surprisingly little empirical evidence to support the claim that abuse leads to abuse.

Cathy Spatz Widom, Dept of Criminal Justice & Psychology, Indiana University, Bloomington, Ind. *Pathways to Criminal Violence*, with N. Weiner and M.E. Wolfgang, Eds (Sage, Newbury, California, 1988)

## INTERGENERATIONAL TRANSMISSION: UNFOUNDED

"...the unqualified acceptance of the intergenerational transmission hypothesis--- from abuse as a child to becoming an abusive parent---is unfounded."

J. Kaufman & E. Zigler, *Amer. Journal of Orthopsychiatry* 57, 186 (1987)

"Despite widespread belief in the intergenerational transmission of violence, methodological limitations substantially restrict our conclusions about the long-term consequences of early childhood victimization."

Cathy Spatz Widom, Dept. of Criminal Justice & Psychology, Indiana Univ. Bloomington, Ind., *Pathways to Criminal Violence*. with N. Weiner & M.E. Wolfgang, Eds. (Sage, Newbury, Calif. 1989)

## VICTIMIZATION MORE INFLUENTIAL THAN OBSERVATION

"These findings...suggest that one's own victimization may be a more important determinant of becoming aggressive than mere observation of a parent's victimization."

Liane V. Davis & Bonnie E. Carlson, State University of New York at Albany, *Observation of Spouse Abuse. What happens to the Children?* *Journal of Interpersonal Violence*, Vol. 2., No. 3., September 1987, pages 288 & 289.78. Mother and their children interviewed at 5 domestic violence shelters in upstate New York, Sample included 34 preschoolers, 32 school-age children, 11 adolescents.

## MALTREATED CHILDREN NOT MALTREATING ADULTS

"The linkage between childhood victimization and later antisocial and violent behavior is far from certain, and the intergenerational transmission of violence is not inevitable. Twenty-six percent of child abuse and neglect victims had juvenile offenses; 74% did not. Eleven percent had an arrest for a violent criminal act, whereas almost 90% did not.

Cathy Spatz Widom, Dept. of Criminal Justice & Psychology, Indiana Univ., Bloomington, Ind., *The Cycle of Violence*. Science. Vol 244, April 1989, page 164.

## MAJORITY OF ABUSED CHILDREN NOT DESTINED AS DELINQUENT ADULTS

"...being abused or neglected as a child increases one's risk for delinquency, adult criminal behavior, and violent criminal behavior. However, the majority of abused and neglected children do not become delinquent, criminal, or violent.

Cathy Spatz Widom, Dept of Criminal Justice & Psychology, Indiana University, Bloomington, Ind. *The Cycle of Violence*. Science, Vol. 244, April 1989, page 160.

"...parental behavior, in and of itself, is an inadequate prediction of the extent of emotional damage to a child."

Aber, J.L., III, & Zigler, E. (1981) *Developmental considerations in the definition of child maltreatment*. In R. Rizley & D. Cicchetti (Eds), *Developmental perspectives on child maltreatment* (pp. 1-29) San Francisco: Jossey-Bass.

"...underscore the findings that all maltreated children are not behaviorally or emotionally disturbed, nor do they automatically grow up to be maltreating adults."

Kaufman, J., & Zigler, E., (in press). *Do abused children become abusive parents?* *American Journal of Orthopsychiatry*.

☞ Cause - effect - remedy are not adequately related in AB 2700.

## REJECTED, NEGLECTED CHILDREN MOST DELINQUENT, NOT THE ABUSE OBSERVERS

"...rejected children had the highest rates of delinquency."

J. McCord, *Child Abuse Negl.* 7,265 (1983)

"...in some reports neglected children appeared more dysfunctional than those abused."

C.A. Rohrbeck & C.T. Twentyman, *J Consul.Clin.Psychol.* 54,231 (1986)

☞ Joint custody assures children they're neither rejected nor neglected.

"...nonabused and nonneglected subjects are just as likely as abused and neglected individuals to continue criminal activity once they have begun."

Cathy Spatz Widom, Dept. of Criminal Justice & Psychology, Indiana Univ., Bloomington, Ind. *The Cycle of Violence*, Science, Vol. 244, April 1989, page 163.

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## DELINQUENCY HIGHER FOR NEGLECTED & ABUSED

Abused and neglected children overall have more arrests as a juvenile (26% versus 17%) more arrests as an adult (29% versus 21%), and more arrests for any violent offense (11% versus 8%)."

Cathy Spatz Widom, Dept. of Criminal Justice & Psychology, Indiana Univ., Bloomington, Ind., *The Cycle of Violence, Science*, Vol. 244, April 1989, page 162.

## SOURCES OF CHILD BEHAVIOR

"...the relation of child behavior to predictor variables revealed that factors associated with maternal stress, (i.e., maternal health, stressful life events, and family crises) accounted for 19% of the variance in child behavior problems.

Susan Kaye Wilson & Lydia Zak, University of Western Ontario, London, Ontario; David A. Wolfe, University of Western Ontario; Peter Jaffe, London Family Court Clinic, London, Ontario. *Children of Battered Women: The Relation of Child Behavior to Family Violence and Maternal Stress. Journal of Consulting & Clinical Psychology*, vol 53, Number 5, October 1985

## OBSERVED, EXPERIENCED CHILDHOOD FAMILY AGGRESSION'S EFFECT ON MARITAL AGGRESSION

"The probability of marital aggression varies with different combinations of exposure to childhood aggression. When neither form of aggression (experienced, or observed) occurred in one's childhood family, the probability of husband-wife aggression is 1%. When only parent-child hitting occurred, the probability is increased to 3%. With only parental hitting, the probability doubles to 6%. When both types of childhood aggression occurred, the probability of severe H-W aggression is 12%. The results are similar for W-H aggression. In the absence of childhood family aggression the probability of severe W-H aggression is 2%. With parent-child hitting it is 4%. and with parental hitting it is 8%. When both types of family aggression occurred, the probability of wife-husband aggression is 17%.

Debra Kalmus, Catholic University of America, *The Intergenerational Transmission of Marital Aggression. J. of Marriage & the Family*, February 1984, page 15.

H-W & W-H statistics translate to:

	Husband to wife aggression	Wife to husband aggression
1. No childhood observation	1%	2%
2. Parent-child hitting	3%	4%
Parental hitting	6%	8%
Both types (2&3)	12%	17%

Wife to husband aggression a little less than twice as frequent.

## SONS AS VICTIMS, DAUGHTERS AS PERPETRATORS

"Observing one's father hitting one's mother increases the likelihood that sons will be victims as well as perpetrators, and that daughters will be perpetrators as well as victims of severe marital aggression."

Debra Kalmus, Catholic University of America. *The Intergenerational Transmission of Marital Aggression. J. of Marriage & the Family*, February 1984, page 11.

## 'MODEST' & 'MAY' TOO INCONCLUSIVE FOR POLICY

"...the indirect effects on children observing family violence have also been investigated in two types of studies. First, large scale self-report surveys have found a modest, although fairly consistent, association between exposure to family violence and approval of violence or marital violence as an adult. Second, studies of the children of battered women suggest that observing abuse or extreme marital discord may be as harmful to the development of the child as physical abuse, although other factors might contribute to these findings."

D.J.Owens & M.A. Straus, *Aggressive Behav.* 1,193 (1975); D. Kalmus, *J.Marriage Fam.* 46,11 (1984); P.C. Kratcoski, *J.Adolesc.* 8,145 (1985), & D.A.Wolfe, P. Jaffe, S.K.Wilson, L.Zak, *J.Consult. Clin.Psychol.* 53,657 (1985); P.Jaffe, D.A.Wolfe, S. Wilson, L.Zak, *Am.J.Orthopsychiatry* 56,142 (1986)

Too inconclusive to sever joint custody connection for child with both parents based on "modest" and "may."

## SMALL-SCALE CLINICAL REPORTS: FLAWED

"...their own statistical usefulness ("reports offered as support for the cycle of violence") is limited because of small sample sizes, weak sampling techniques, questionable accuracy of information, and lack of appropriate comparison groups"

Cathy Spatz Widom, Department of Criminal Justice & Psychology, Indiana University, Bloomington, Ind. *The Cycle of Violence. Science*, Vol. 244, April 1989, page 160.

## FALSE REPORTING OF CHILDHOOD FAMILY

"...the most serious limitation of this analysis is its basis on retrospective accounts of behavior in the childhood family. ...adults involved in such behavior may reconstruct their childhood families as aggressive to be consistent with and explain their present behavior. Similarly, adults who do not engage in marital aggression may be ashamed of an aggressive family of origin and, thus, may reconstruct their family as nonviolent."

Debra Kalmus, Catholic University of America. *The Intergenerational Transmission of Marital Aggression. J. of Marriage & the Family*, February 1984, page 18.

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## METHODOLOGICAL LIMITATIONS BIAS REPORTING

Children's adjustment was measured by mother's reports on a standard checklist flows for a global analysis of a child's strengths and weaknesses. However, this procedure raises the concern of a possible bias in reporting. The bias could possibly be more negative toward boys because they are the same sex as the mothers' assailant."

Emery, R., & O'Leary, K.D. (1982). *Children's perceptions of marital discord and behavior problems of boys and girls.* *Journal of Abnormal Child Psychology.* 10, 11-24.

## CHILDREN OBSERVED IN SHELTERS: DISLOCATION MAY BE MORE DISRUPTING THAN WITNESSING PARENTAL BEHAVIOR

"Children who observe spousal violence are most readily available when their mothers are in shelter. This means that they have both witnessed violence between their parents and have been dislocated, often dramatically, from their homes and communities. It is thus quite difficult to recruit a control group that takes into account both the factors of violence in the family and dislocation from the home."

Liane V. Davis & Bonnie E. Carlson, State University of New York at Albany. *Observation of Spouse Abuse. What Happens to the Children?* *Journal of Interpersonal Violence, Vol. 2, No. 3, Sept 1987. Sage Publications. page 281*

"...our results may be generalizable only to those children whose mothers seek temporary respite in shelter."

"The more serious response of the preschool boys than of the preschool girls or the school-age boys may be attributable to the disruption of their relationship with their fathers at a time in their life when identification with him is both strong and necessary."

Liane V. Davis & Bonnie E. Carlson, State University of New York at Albany. *Observations of Spouse Abuse, What Happens to the Children?* *Journal of Interpersonal Violence, Vol.2, No.3, Sept 1987. Sage Publications. pages 288 & 289.*

"...children in shelters for battered women are at greater risk of adjustment problems than are their nonexposed peers. Such children display behavior problems that, in the aggregate, far exceed problems shown by other children from similar sociodemographic backgrounds. At present no direct causal link between family violence and child adjustment can be established, however."

Susan Kaye Wilson and Lydia Zak, University of Western Ontario, London, Ontario; David A. Wolfe, University of Western Ontario; Peter Jaffe, London Family Court Clinic, London, Ontario. *Children of Battered Women: The Relation of Child Behavior to Family Violence and Maternal Stress.* *Journal of Consulting & Clinical Psychology. Vol. 53., Nr. 5., October 1985.*

## STUDIES, STATISTICS DON'T VALIDATE ANECDOTES

"Although it appears that children who observe parental violence should respond with dysfunctional behavior, the empirical studies fail to support strongly the anecdotal literature. Furthermore, almost all of the research fails to differentiate between children who have only witnessed violence and children who have been its victims as well."

Liane V. Davis & Bonnie E. Carlson, State University of New York at Albany. *Observations of Spouse Abuse. What happens to the children?* *Journal of Interpersonal Violence, Vol.2, No.3, September 1987 page 280*

## POLICY LIMITATIONS & IMPLICATIONS

"Making a determination as to whether a child is in sufficient danger to warrant intrusion into the sanctity of the home is difficult enough in cases of physical abuse and neglect, but it becomes far more controversial when psychological maltreatments are implicated. There is an increased potential for individual values and professional orientation to mold one's perspective in the absence of clear definitions and standards for intervention in maltreating families. Nowhere is this more evident than in the case of psychological maltreatment, where the lack of agreement about definitions and intervention strategies is widespread."

Mindy S. Rosenberg, Yale University. *New Directions for Research on the Psychological Maltreatment of Children.* *American Psychologist, Vol. 42, No. 2., February 1987. page 169.*

## CONTROVERSIAL & UNFOUNDED THEORIES DON'T WARRENT INTRUSIVE LEGISLATION

"Despite a theoretical rationale for the transmission of family aggression across generations, there is controversy as to whether intergenerational effects exist."

Debra Kalmus, Catholic University of America. *The Intergenerational Transmission of Marital Aggression.* *J. of Marriage & the Family. February 1984. page 11.*

"...there is remarkably little consensus as to when a court should find a child physically or sexually abused, let alone psychologically maltreated."

M.S.Wald (1975) *State Intervention on behalf of "neglected" children: A search for realistic standards.* *Stanford Law Review, 27,985-1040.* and L.E.A.Walker (Ed.) (in press) *Handbook of Child Sexual Assault.* New York, Springer.

"...it is essential that laws be drafted in a manner consistent with our limited knowledge about the nature and causes of psychological harm. Intervention should not be premised on vague concepts. ...Such...invites unwarranted intervention based on each social worker's or judge's brand of "folk psychology." "

Mindy S. Rosenberg, Yale University. *New Directions for Research on the Psychological Maltreatment of Children.* *American Psychologist. Vol. 42, No. 2, February 1987. page 167.*

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## ADJUSTMENT FOR CHILDREN OBSERVING VIOLENCE

"Crisis management may include, for example,

- keeping the child in the same school,
- having one or both parents maintain an individual relationship with the child.
- explaining to the child the nature and responsibility for violence,
- employing trained child-care staff at shelters to assist the child & parent.

"Preventing long term (mal)adjustment problems in these children will require:

- family assistance in developing or maintaining adults and children from within or outside of the family.
- assistance for both parents in managing family crises and avoiding physical violence,
- opportunities for the child to learn appropriate social problem-solving strategies."

Susan Kaye Wilson & Lydia Zak, University of Western Ontario, London, Ontario; David A. Wolfe, University of Western Ontario; Peter Jaffe, London Family Court Clinic, London, Ontario. *Children of Battered Women: The Relation of Child Behavior to Family Violence and Maternal Stress. Journal of Consulting & Clinical Psychology. Vol. 53, Number 5, October 1985. page 664.*

Joint custody facilitates adjustment; AB 2700 implies undermining of the adjustment joint custody makes possible.

## SEVEN FORMS OF PARENTAL BEHAVIOR CONSTITUTING PSYCHOLOGICAL MALTREATMENT:

Rejecting

of an infant: discouraging attachment, abandonment  
of an adolescent: verbal humiliation, excessive criticism

Isolating

Terrorizing

Ignoring

Corrupting

Degrading

Denying emotional expressiveness

Garbarino, J., Guttman, E. & Seeley, J. (1986) *The psychologically battered child: Strategies for identification, assessment and intervention.* San Francisco; Jossey-Bass. and Hart, S.N. & Brassard, M.R. (1986) *Developing and validating operationally defined measures of emotional maltreatment: A multimodal study of the relationship between caretaker behaviors and child characteristics across three developmental levels.* (Grant no DHHS90CA1216-01) Washington, D.C., Dept of Health & Human Services & the National Center on Child Abuse & Neglect.

Joint custody helps to overcome "rejecting," "isolating," "ignoring," & "denying emotional expressiveness" psychological maltreatment by one parent through ample access to both parents. However, AB 2700 could curtail this access.

## AGGRESSION AT DIFFERENT TIME-PERIODS

Over time, a decrease. But women are more aggressive.

### THE YEAR PRIOR TO MARRIAGE

31% of the men engaged in aggression against partner  
44% of women engaged in aggression against partner

### 18 MONTHS AFTER MARRIAGE

27% of the men  
36% of the women

### 30 MONTHS AFTER MARRIAGE

25% of the men  
32% of the women

## EXCLUSIVE OR NON-RECIPROCAL AGGRESSION

Year prior to marriage

13% of men  
26% of women

18 months after marriage

8% men  
17% women

30 months after marriage

9% men  
16% women

## 18-24 YEAR OLDS

Report aggressing against their partner in past year

Men: 37% of men reporting doing so  
Women: 43% of women reported doing so

D.S.Elliot, D. Huizonga & B.J.Morse (1986). *Self Reported Violent Offending: Descriptive Analysis of Juvenile Violent Offenders & Their Offending Careers.* Journal of Interpersonal Violence. 4, 472-514

## AGE: MOST IMPORTANT FACTOR

16% in the 30-yr-old and under age bracket  
5% in the 30-to-50 year old age bracket

Straus, M.A., Gelles, R.J., & Steinmetz, S.K. (1980) *Behind Closed Doors: Violence in the American Family.* New York:Anchor Books

AB 2700 has the potential of punishing, in later parenting-life, a parent and child for an incident occurring in youth.

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15:30

## TREAT CAUSES; NOT HUNCHES OF INTERGENERATIONAL TRANSMISSION

### DOES VIOLENCE BEGET VIOLENCE?

"...the type of abuse or neglect is not as powerful a predictor of violent criminal behavior as the demographic characteristics of sex, race, and age."

*Cathy Spatz Widom, Dept. of Criminal Justice & Psychology, Indiana, Univ., Bloomington, Ind., The Cycle of Violence. Science, Vol 244, April 1989, page 163.*

### LEGISLATE PRIORITY PROBLEM/SOLUTIONS RATHER THAN LEAP-FROGGING TO UNCERTAIN THEORIES

"The parents most at risk for serious child abuse have

low incomes

and are most often poorly educated;

they are typically subject to a greater than ordinary barrage of social stresses,

including frequent unemployment,

and excessive geographical mobility;

where there are men in the home, they are disproportionately

often out of work

or employed in low level jobs;

the families are often very large,

with at least some of the children unplanned and unwanted;

the parents are likely to be very young,

frequently under twenty;

they have few parenting skills

and are generally unprepared for the complexities and frustrations of child-rearing;

and they are unusually isolated from sources of social support

---extended family, friends, community organizations,

or adequate public social services."

*Elliott Currie, Confronting Crime, Pantheon Books, N.Y., page 209*

### 6 FAMILIAL VULNERABILITY FACTORS IN CHILDREN'S RESPONSE TO ADVERSITY:

Marital discord,

Low socioeconomic status,

Large family size with overcrowding,

Paternal criminality,

Maternal psychiatric disorder,

Admission of the child into care of local authorities.

## ENDORSE FAVORABLE OPPORTUNITIES, DON'T PUNISH THE CHILD & EXCLUDED PARENT

### PROTECTIVE FACTORS MAY INCLUDE:

Positive relationship with the nonoffending parent

Other positive adult relationships

Child's intelligence

Child's emotional resiliency

Child's sense of self-efficacy

Warmth and cohesion with extended family members

Child's participation & mastery in community affairs.

*Mindy S. Rosenberg, Yale University. New Directions for Research on the Psychological Maltreatment of Children. American Psychologist. Vol. 42., No. 2., February 1987. page 169.*

### FACTORS PROTECTING A CHILD FROM PSYCHIATRIC RISK:

Positive personality dispositions

Socially responsive, Positive mood

Gender

Girls less vulnerable than boys

Parental warmth

Supportive school environment

(Reinforcing children's coping efforts)

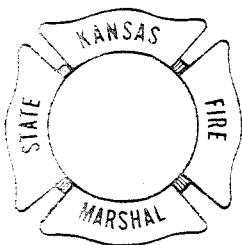
Marital support from a nondeviant spouse

*Rutter, M., Cox, A., Tupling, C., Berger, M., & Yule, W. (1975) Attainment & adjustment in two geographic areas. I. The prevalence of psychiatric disorder. British Journal of Psychiatry: 126, 493-509. and Quinton, D., Rutter, M., & Liddle, C. (1984) Institutional rearing, parenting difficulties and marital support. Psychological Medicine. 14, 107-124.*

Provided by the Joint Custody Association  
10606 Wilkins Avenue  
Los Angeles, California 90024



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Kansas State Fire Marshal Department  
700 S.W. Jackson, Suite 600  
Topeka, Kansas 66603-3714  
Phone (913) 296-3401  
FAX (913) 296-0131

"Serving Kansans Through Fire Safety Education,  
Fire Prevention Inspections and Investigation"

February 13, 1992

Representative Kathleen Sebelius  
Chairman, House Federal and State  
Affairs Committee  
State Capitol, Room 280-W  
Topeka, KS 66612

Dear Representative Sebelius:

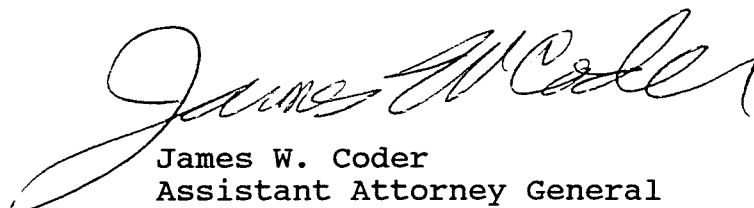
The State Fire Marshal is requesting your committee introduce some legislation for us. I think this committee would be the most appropriate.

The legislation we would like introduced is an amendment to K.S.A. 31-158 to account for periodic updates of national codes regarding standards for firefighters clothing.

This legislation should not be controversial. I have attached draft copies of our proposal. If we need to do anything further, please let me know.

Sincerely,

  
Edward C. Redmon  
State Fire Marshal

  
James W. Coder  
Assistant Attorney General

ECR:JWC:en

An Equal Opportunity Employer

House Federal & State Affairs  
February 17, 1992  
Attachment #16



Amendment to K.S.A. 31-158 regarding standards of Fire Department clothing.

This amendment would make the statute flexible in order to match the periodic updates of the national standards regarding firefighters equipment and clothing safety.

There would be no fiscal impact from this legislation.

As currently exists, the standards for firefighters clothing and equipment is based on the NFPA Standard as was in effect in 1988 when this legislation was passed. Periodically, the NFPA updates these standards. It is this office's belief that the statute needs to reflect these periodic updates.

There are no other state agencies affected.

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31-158. Fire safety and prevention; sale to or purchase by fire department of clothing or equipment which does not meet standards set by national fire protection association; penalty; definition. (a) No person shall knowingly sell or offer for sale in this state to any fire department any item of clothing or equipment intended to protect firefighters from death or injury while fighting fires unless the item of clothing or equipment meets or exceeds the minimum standards established for such item of clothing or equipment by the national fire protection association, in effect ~~on-the-effective-date-of-this-act~~ or at the time of the sale or offer as adopted by the State Fire Marshal pursuant to K.S.A. 31-134.

(b) No fire department shall purchase in this state any item of clothing or equipment intended to protect firefighters from death or injury while fighting fires unless the item of clothing or equipment meets or exceeds the minimum standards established for such item of clothing or equipment by the national fire protection association, in effect ~~on-the-effective-date-of-this-act~~ at the time of the purchase, as adopted by the State Fire Marshal pursuant to K.S.A. 31-134.

(c) A violation of subsection (a) is a class B misdemeanor.

(d) As used in this section, "fire department" means any city, county, township or other public or private fire department.

History: L. 1988, ch. 126, 1; July 1  
AGO: 88-118.

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