

Approved: 9/5 waw
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Senator Wint Winter Jr. at
10:05 a.m. on March 25, 1992 in room 514-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Representative Elizabeth Baker
Dave King, Overland Park
Roberta Sue McKenna, Kansas Department of Social and Rehabilitation Services Youth Services
Kay Coles, Kansas National Education Association
Mary Ella Simon, League of Women Voters of Kansas
Melissa Ness, The Children's Coalition
Linda Kenney, Kansas Department of Health and Environment Bureau of Family Health
Barbara Armstrong, Kansas City
Linda Elrod, Professor at Washburn University School of Law
Paul Shelby, Office of Judicial Administration
Larry Rute, Kansas Legal Services

Chairman Winter called the meeting to order by opening the hearing for HB 2690.

HB 2690 - establishment of Joint Committee on Children and Families.

Representative Elizabeth Baker presented testimony in support of HB 2690. (ATTACHMENT 1) She responded to questions by stating this legislation was patterned on the existing Joint Committee on Economic Development.

Dave King, Overland Park, presented testimony on behalf of the Special Committee on Children's Initiatives in support of HB 2690. (ATTACHMENT 2)

Roberta Sue McKenna, Kansas Department of Social and Rehabilitation Services Youth Services, spoke in support of HB 2690. (ATTACHMENT 3)

Kay Coles, Kansas National Education Association, testified in support of HB 2690. (ATTACHMENT 4)

Mary Ella Simon, League of Women Voters of Kansas, testified in support of HB 2690. (ATTACHMENT 5)

Melissa Ness, Kansas Children's Service League, spoke on behalf of The Children's Coalition in support of HB 2690 and suggested an amendment. (ATTACHMENT 6)

Linda Kenney, Kansas Department of Health and Environment Bureau of Family Health, testified in support of HB 2690. (ATTACHMENT 7)

This concluded the hearing for HB 2690 and the Chairman opened the hearing for HB 2691.

HB 2691 - family court system pilot projects.

Roberta Sue McKenna, Kansas Department of Social and Rehabilitation Services Youth Services, spoke on behalf of SRS Secretary Donna Whiteman in support of HB 2691. (ATTACHMENT 8) Responding to questions on why the courts are not functioning this way now, Ms. McKenna stated that the first year of the grant in the pilot project would answer that question.

It was noted that at least one district court currently operated with a family court-type functioning. Concerns expressed by the Committee included what expertise would qualify a judge to service the family court system, how adversarial would the system be, and would this revert the judicial structure toward a pre-1977, non-unified judiciary.

Barbara Armstrong, Kansas City, spoke in support of HB 2691. She presented background information of personal experiences to highlight the need for improvement on the current judicial system. (ATTACHMENT 9)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:05 a.m. on March 25, 1992.

Linda Elrod, Professor at Washburn University School of Law, testified in support of HB 2691. She stated it is the right time and the right thing to do. Problems with juveniles in crimes, suicides, etc., have increased dramatically and the trend appears to be continuing. She stressed HB 2691 would allow a more holistic approach to families and the problems they experience. The current judiciary procedures contain major gaps that a lot of situations are falling into. She presented copies of articles to support her comments. (ATTACHMENTs 10, 11,12 and 13)

Paul Shelby, Office of Judicial Administration, responded to questions on the fiscal impact of HB 2691 by stating that the estimate for the first year is \$70,000. They do not have any way to predict fiscal impact for additional years as it would vary according to how the pilot project would proceed. He further responded to the suggestion that the court be directed by the legislature to implement family courts by outlining some of the additional requirements the court would need to accomplish the task. There would be additional impacts on court services, intake services, and the institution of case managements. He stressed the judiciary would not have sufficient resources to institute the project. He concluded by expressing support for the HB 2691 but reiterated their concerns with the mechanics of instituting the project.

Larry Rute, Kansas Legal Services, also spoke on behalf of the Kansas Bar Association's Family Law Section and the Kansas Trial Lawyers Association Steering Committee of the Kansas Children's Coalition in support of HB 2691. (ATTACHMENT 14) Responding to the question of whether statutory prohibitions exist to prevent the courts from instituting this action on their own, Mr. Rute stated that several counties are moving in that direction. He added HB 2691 would build new momentum to achieve system-wide family courts. Mr. Rute concluded by stating that Judge Beasley from Wichita had requested his support be expressed for HB 2691.

Written testimony in support of HB 2691 was submitted by Arthur Sandquist, Topeka. (ATTACHMENT 15)

Written testimony in support of HB 2691 was submitted by Melissa Ness, Kansas Children's Service League. (ATTACHMENT 16)

The Chairman requested staff to research and identify any statutory impediments for administrative judges to implement a family court system. He noted the Committee's tendency for urging the courts to progress at their discretion rather than legislate the system. He extended the Committee's recognition of the increased funding necessary to progress in this area.

The meeting was adjourned at 11:07 a.m.

ELIZABETH BAKER
 REPRESENTATIVE, EIGHTY-SECOND DISTRICT
 SEDGWICK COUNTY
 601 HONEYBROOK LANE
 DERBY, KANSAS 67037



TOPEKA

HOUSE OF
 REPRESENTATIVES

OFFICER: BOARD OF TRUSTEES
 WICHITA STATE UNIVERSITY
 REGIONAL OMBUDSMAN: KANSAS
 COMMITTEE FOR EMPLOYEE
 SUPPORT OF THE GUARD AND
 RESERVE
 COMMITTEE ASSIGNMENTS
 STATE FEDERAL ASSEMBLY: COMMERCE, LABOR
 & REGULATION
 RANKING MINORITY MEMBER: FEDERAL & STATE
 AFFAIRS
 MEMBER: ECONOMIC DEVELOPMENT
 ELECTIONS

March 25, 1992

To: Senate Judiciary

Re: HB 2690

Thank you Chairman Winter and members of the Committee for giving me this opportunity to appear before you today in support of HB 2690. Serving on the Special Committee on Children this past summer and fall was one of the most rewarding experiences in my tenure as a legislator. I remain firmly committed to the proposals we endorsed and I am convinced of the significant, positive impact those proposals, if enacted, will make on the lives of all Kansans.

First, the question you may be asking in regard to HB 2690, is, "Why do we need a Joint Committee on Children?" Because we know that Kansas' children are our greatest natural resource and because of the many recommendations in the *Blueprint for Investing in Kansas Children and Families*, legislative oversight of the state's progress is not only natural, but necessary. Annual evaluations on our progress are an assurance of the successful implementation of the recommendations, and are necessary if the legislature, as a body, is to be held accountable.

Second, the Governor's Commission on Children, Youth, and Families is presently examining how we primarily modify our state service delivery systems to better serve the needs of Kansas children. It is important that we coordinate with the Commission and not duplicate our efforts.

Third, it is critical that we review state spending on children's programs from the perspective of the needs of the children we are trying to meet, rather than the existing categorical pots of funds that with which we are all used to working. If we begin discussions of funding for children's programs from the perspective of our existing state programs, and existing line items, we will be restricted to a discussion of increasing or decreasing those individual programs and budgets, rather than re-investing state funds in new directions that better address the needs of our children.

Senate Judiciary Committee

March 25, 1992

Attachment 1

SENATE JUDICIARY COMMITTEE
CHAIRPERSON SENATOR WINTER

3/25/92

MY NAME IS DAVE KING I AM A RECENTLEY RETIRED EXECUTIVE VP FROM SPRINT/UNITED. MY HOME ADDRESS IS 10716 W 121 ST, OVERLAND PARK KS,66213. I CURRENTLY SERVE ON THE BOARD OF DIRECTORS AND EXECUTIVE COMMITTEE OF KCCI. I AM ALSO CURRENTLY SERVING ON THE KANSAS COMMISSION FOR CHILDREN, YOUTH AND FAMILIES. EST BY GOVERNOR EXEC ORDER 91 145.

I AM HERE IN SUPPORT OF HB 2690 WHICH WOULD ESTABLISH A JOINT COMMITTEE ON CHILDREN AND FAMILIES.

IN THE SUMMER AND FALL OF 1991 I SERVED ON THE SPECIAL COMMITTEE ON CHILDRENS INITIATIVES CO CHAIRED BY SPEAKER BARKIS AND REP BOB MILLER. I WAS ONE OF FIVE REPRESENTATIVES FROM BUSINESS.

DURING THE SEVERAL DAYS OF HEARINGS WE GAINED A BROAD PERSPECTIVE OF HOW SERIOUS THE CHILDRENS SITUATION IS IN KANSAS AND THE NEGATIVE EFFECTS IT HAS ON NOT ONLY THE FAMILIES AND CHILDREN BUT ON OUR COMMUNITIES, FUTURE WORKFORCE AND OUR ABILITY TO COMPETE IN THE 21ST CENTURY. WE ALSO EXPERIENCED THE FRUSTRATION OF AN ENOURMOUS SERIES OF PROBLEMS THAT SPAN A TIME FRAME OF 18 YEARS 9 MONTHS...FROM PREGNANCY THROUGH HIGH SCHOOL GRADUATION.

AFTER LISTENING TO SEVERAL GROUPS DISCUSS THE PROBLEMS AND APPROACHES WE ASKED THE STAFF FOR AN INVENTORY OF ALL THE FAMILY AND CHILDREN PROGRAMS AND THE SOURCE AND AMOUNT OF FUNDING. IT TOOK SEVERAL WEEKS TO GET THE INFORMATION SINCE FAMILY AND CHILDREN PROGRAMS HAD NEVER BEEN SPLIT OUT FROM THE OVERALL FUNDING. THE STAFF REPORT SHOWED THAT IN KANSAS WE ARE SPENDING A BILLION DOLLARS A YEAR ON FAMILY AND CHILDREN PROGRAMS.

FROM A BUSINESS PERSPECTIVE WE SAW AN ENORMOUS AMOUNT OF QUALITY EFFORT BEING PUT FORTH BY SEVERAL HUNDRED PEOPLE WHO WERE DEDICATED TO RESOLVING FAMILIES AND CHILDRENS ISSUES WE ALSO SAW WHAT APPEARS TO BE AN OVERLAP BETWEEN MANY PROGRAMS, LACK OF COORDINATION AMONG THE VARIOUS AGENCIES AND ADVOCACY GROUPS, NO CONSISTANT ON GOING MEASURE OF THE EFFECTIVENESS OF THE VARIOUS PROGRAMS AND NO OVERALL VISION OF WHERE WE WANTED TO BE IN THE YEAR 2000. IT ALSO APPEARED THAT THERE MAY BE DUPLICATIVE ADMINISTRATIVE COSTS IN THE DELIVERY SYSTEM.

THE CONCLUSION OF THE COMMITTEE WAS THERE IS NO SINGLE ANSWER OR PROGRAM. BUT THAT IT IS EACH COMMUNITIES RESPONSIBILTY TO EXAMINE AND DETERMINE WHAT STATE, LOCAL AND VOLUNTEER RESOURCES ARE NEEDED TO ORGANIZE AND DIRECT THE SOLUTION TO FAMILY AND CHILDRENS ISSUES IN THEIR COMMUNITY. THIS ALONG WITH RESOLVING THE ISSUES RAISED IN THE PREVIOUS PARAGRAPH AND CREATING A PARTNERSHIP BETWEEN BUSINESS THE STATE AND THE VARIOUS ADVOCACY GROUPS COULD PRODUCE POSITIVE LONG TERM RESULTS e.g. 95% HIGH SCHOOL GRADUATION RATE WITH EACH YOUNG PERSON

Senate Judiciary Committee

March 25, 1992

Attachment 2

1/2

READY TO GO TO COLLEGE OR ENTER THE WORKFORCE BY 1998.

I BELIEVE THAT THE JOINT COMMITTEE ON CHILDREN AND FAMILIES PROPOSED IN HB 2690 IS AN IMPORTANT PART OF THE OVERALL PARTNERSHIP EFFORT. THE OVERSIGHT RESPONSIBILITY OF THIS COMMITTEE WILL INSURE THAT THE FAMILY AND CHILDRENS INITIATIVES STAY ON TRACK OVER THE NEXT SEVERAL YEARS AND MORE IMPORTANTLY THIS COMMITTEE WILL HAVE ACCESS AND INFLUENCE ON THE VARIOUS STAKEHOLDERS IN KANSAS THAT CAN MAKE IT HAPPEN.

I ALSO SUPPORT THE 1997 SUNSET PROVISION OF THE BILL.

I WILL BE HAPPY TO ANSWER ANY QUESTIONS

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Donna Whiteman, Secretary

Senate Judiciary Committee
Wint Winter, Jr., Chairperson

March 25, 1992

Testimony in Regard to H.B. 2690

AN ACT establishing the joint committee on children and families; providing for the membership, powers and duties thereof.

Mr. Chairman, and Members of the Committee, I am appearing today in support of H.B. 2690. The purpose of this bill is to establish a joint committee on children and families. The committee would be composed of five (5) members of the Senate and eight (8) members of the House.

The joint committee would have the responsibility to oversee the implementation of the recommendations arising from the Special Committee on Children's Initiatives.

Legislative initiative is needed to assist the Department's Youth and Adult Services Commission develop and implement the strategies recommended by the Special Committee.

There is no anticipated fiscal impact on the Department to establish this joint committee. We support the passage of the bill.

Sue McKenna
Staff Attorney Assigned to
Youth Services
Department of Social and
Rehabilitation Services
(913) 296-3967

CRH:RJM

Senate Judiciary Committee
March 25, 1992
Attachment 3



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Testimony before the
Senate Judiciary Committee
Kay Coles, Kansas NEA
HB 2690
March 25, 1992

Thank you Mr. Chairman. Members of the committee, I am Kay Coles, here today representing the 24,000 members of Kansas NEA. I appreciate the opportunity to speak in favor of HB 2690.

We worked closely this past summer with the Special Committee on Children's Initiatives, and are supportive of its recommended targets for change and its strategies. HB 2690 represents one of those strategies.

While working with the committee, it became clear that continual monitoring and oversight would be necessary to implement the committee's goals. Clearly, the work envisioned by the Special Committee will not be completed this year, or next. A continuing commitment to children is essential if the committee's report is to become more than just another interim committee report.

HB 2690, by establishing a joint committee on children and families, provides the means to ensure that our focus will remain on children and our work will continue. Its passage will reflect a strong commitment by the Legislature to Kansas' future.

For those reasons, Kansas NEA asks you to report HB 2690 favorably for passage. Thank you and I would be glad to answer any questions.

Senate Judiciary Committee
March 25, 1992
Attachment 4

LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

919½ South Kansas Avenue Topeka, KS 66612 (913) 234-5152

TO: MEMBERS OF THE SENATE JUDICIARY COMMITTEE
DATE: MARCH 25, 1992

I am Mary Ella Simon speaking for the League of Women Voters of Kansas asking for your support of HB 2690 which would continue the work begun by the Joint Committee on Children and Families during the summer and fall interim.

We commend the work of that committee in establishing a blueprint for change, identifying issues, and outlining strategies to achieve those goals, not only for the state, but for communities, businesses, and schools.

We see the Joint Committee as an accountability tool in monitoring the progress of the 5-year blueprint.

In light of recent news stories concerning the plight of children in this country, we believe it is essential that recommendations for solutions to some of these problems in Kansas be implemented. Kansas' record as one of those states with the highest number of children in institutions is not one to be proud of.

It is a sad comentary on the social climate in this country when the government is looked to more and more for taking care of the needs of children as risk, but having had that leadership thrust upon them, it is important that Kansas legislators be well informed on programs that affect children and families and take the necessary steps to implement those programs. We believe it is essential that the work of the Joint Committee be continued and we ask your support of HB 2690.

Mary Ella Simon

Mary Ella Simon
LWVK Lobbyist

*Senate Judiciary Committee
March 25, 1992
Attachment 5*

**THE CHILDREN'S COALITION
5500 W. 7TH LOWER LEVEL
TOPEKA, KANSAS 66606
PH. 913-272-8447**

*"...to increase the power of children
by joining many different voices..."*

*Testimony Senate Judiciary
March 25, 1992*

HB 2690 establishing a Joint Committee on children and families...

The Children's Coalition was established in 1984 and is an association of organizations working for and on behalf of children and their families. We currently have 42 member organizations representing a broad statewide base of support. While the members of the Coalition have different areas of expertise and interests, their common concern is the well-being of Kansas children and families.

For the past 8 years we have worked hard to focus the need for change and support for this vulnerable population in five major areas:

- *BASIC SURVIVAL NEEDS*
- *ACCESS TO HEALTH CARE*
- *EDUCATION FOR CHILDREN AND FAMILIES*
- *LEGAL RIGHTS*
- *PREVENTION/INTERVENTION*

In that period of time progress in these areas has been tremendous. Children are receiving a level of prominence on this state's agenda in part because of the efforts of this legislative body.

We believe HB 2690 is an important part of an insurance policy which would guarantee the prominence children have received is translated into progress. It is for that reason the CHILDREN'S COALITION will support HB 2690 with the following comments and recommendations:

Sec. 2. (a) Evaluate annually progress in implementing the...report...of the 1991 special committee...

The targets outlined by the Blueprint provide our clearest effort to date in assembling a statewide policy on children and families. A committee of this nature is by far the most appropriate mechanism for monitoring the continued development of a state policy as well as assisting in directing resources as needed to implement appropriate programming.

over

*Senate Judiciary Committee
March 25, 1992
Attachment 6 1/4*

Sec. 2 (a) (1) Oversee the development of specific outcome measures for all state programs...

Current efforts in state agencies, particularly SRS, around developing measurable program outcomes will give us sound accountability measures. Precise development of those measures should be done within the state agencies themselves with periodic presentation to the committee. We would recommend the committee "Monitor" the development of those outcome measures.

Sec.2 (a) (3)...an amount to be established as the minimum income...

The state must take the lead in identifying and formalizing a minimum needs standard for Kansas children and their families. This is one of the most important measures the state should be using when assessing the status of our families.

Sec. 2 (c) Make recommendations to the house committee on appropriations and the senate committee on ways and means...

In order for this committee's recommendations to receive adequate consideration by the two committees, we recommend the composition of the Joint committee include at least one member from House appropriations and one member from Senate Ways and Means.

We support the committees attempt to coordinate and cooperate with the Kansas commission on children, youth and families, established by the Governor. We also strongly recommend that the committee should receive reports periodically from major state agencies identified as those delivering services to children and families regarding their long range plans.

We appreciate the opportunity to appear before this committee.

On behalf of the Coalition,

Melissa L. Ness JD, MSW
Kansas Children's Service League

Attachment

2 CHILDREN'S COALITION LEGISLATIVE PLATFORM

For 1992, the Coalition has targeted 28 needs within six basic areas which are not being met for Kansas children.

BASIC SURVIVAL NEEDS

- * Maintain the General Assistance Program
- * Develop a Kansas Housing Program to increase affordable housing
- * Increase affordable child care for Kansas families

ACCESS TO HEALTH CARE

- * Increase access to primary health care for all Kansas children
- * Expand the Maternal and Infant program statewide
- * Add state funding to expand the WIC (Women, Infants, and Children) Supplemental Feeding Program
- * Enroll all children receiving Medicaid benefits in KAN BE Healthy
- * Expand the adolescent health care programs, including school-based clinics
- * Increase funds available for mental health reform
- * Expand the Teen Pregnancy Reduction Program
- * Re-instate the Kansas Regional Perinatal Care Program

LEGAL RIGHTS

- * Provide assistance to families without requiring relinquishment
- * Seek improvements in the Guardian ad Litem system
- * Provide Citizen Review Board programs for children who are under the supervision of the court
- * Provide state funding for Court Appointed Special Advocates

PREVENTION-INTERVENTION

- * Increase respite care programs for families of children with special needs

EDUCATION FOR FAMILIES AND CHILDREN

- * Add state funding to expand Head Start
- * Expand the At-Risk Pupil Assistance Grant Program
- * Educate Kansans concerning the responsibilities associated with parenthood

REVENUES

- * Make taxes progressive, not regressive - increase income taxes first
- * Use the Disability Recovery funds to strengthen youth services and the General Assistance Program

THE FOLLOWING SEVEN ISSUES DESERVE SPECIAL ATTENTION

REVENUES

DEDICATE AFDC CHILD SUPPORT COLLECTIONS TO AFDC PROGRAMS

As SRS child support collections continue to increase, these collections should be targeted to improving the AFDC cash grants, Kan-Work and Kan Be Healthy programs. In 1991, SRS collected only \$19 million out of \$148 million in pending AFDC child support awards. As these collections increase, tax dollars will be saved and AFDC programs should be improved.

Paul Johnson (913) 354-4635

BASIC SURVIVAL NEEDS

INCREASE AFDC PAYMENTS TO THE KANSAS MINIMUM NEEDS LEVEL BUDGET

The Kansas Legislature has established a 1991 Kansas "minimum needs level" survival budget of \$786/month for a Kansas family of one parent and two children. The maximum AFDC benefit, including food stamps, for that Kansas family is \$705/month. Over 50,000 of the 95,000 Kansas children living in poverty survive on AFDC.

Paul Johnson (913) 354-4635

ACCESS TO HEALTH CARE

PROVIDE ADEQUATE FUNDING AND PROGRAMS TO ASSURE THAT ALL CHILDREN ARE FULLY IMMUNIZED

Forty-nine percent of all two year olds are not fully immunized against the preventable diseases of measles, mumps, polio, rubella, diphtheria, whooping cough and tetanus. Many of these diseases are on the increase in Kansas. For every one dollar spent on immunizations, ten dollars are saved on future medical costs.

Jo Bryant (913) 232-0550

LEGAL RIGHTS

ABOLISH CORPORAL PUNISHMENT IN KANSAS SCHOOLS

The Children's Coalition believes that the use of corporal punishment teaches a child to use physical violence to control behavior. The availability of corporal punishment as an option for teachers discourages them from seeking effective forms of discipline. Only in schools is physical punishment allowed.

Jim McHenry (913) 354-7738

EDUCATION FOR FAMILIES AND CHILDREN

EXPAND PARENTS AS TEACHERS AND THE HEALTHY START HOME VISITOR PROGRAMS STATEWIDE

Parenting education is a proven strategy for improving the readiness of children for school and for preventing child abuse. In 1991, the Parents as Teachers program served 3193 participants in 93 school districts. Over 1,000 are currently on waiting lists. The Healthy Start Home Visitor program was able last year to visit one in four Kansas families with newborns. These education and support services were available in only 72 counties.

Jim McHenry (913) 354-7738

PREVENTION/INTERVENTION

INCREASE FUNDING FOR FAMILY PRESERVATION AND STRENGTHEN THE FOSTER CARE SYSTEM

Only 22 counties have minimal Family Preservation services. While the number of children in the custody of the State is at an all time high, the number of SRS field staff trying to serve these clients has decreased by 25% since 1980. The Children's Coalition supports full funding for SRS's Family Agenda for Children and Youth.

Melissa Ness (913) 272-8447

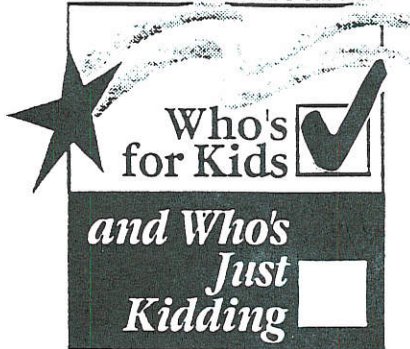
Bruce Linhos (913) 266-2113

FUND EARLY INTERVENTION FOR CHILDREN WITH DISABILITIES

Five percent of our children have a significant handicapping condition. When intervention is available from birth, educational costs are roughly half of those same costs if we wait until age six. Kansas must provide additional financial support for the early intervention service system or risk losing federal funds.

Lynne Bourne (913) 233-2296

6-3/4



CHILDREN'S COALITION

ADVOCATES FOR KANSAS CHILDREN

The mission of the Children's Coalition is to see that the basic needs of all children in Kansas are met by their families and/or their communities.

1992 COALITION MEMBERSHIP

- Catholic Health Association of Kansas
- Catholic Social Services of Kansas City
- Catholic Social Services of Topeka/Therapeutic Foster Care
- Children's Mercy Hospital of Kansas City
- Church Women United
- Early Childhood Development Center
- Ozanam Home for Boys
- Junior League of Topeka
- Kansas Action for Children, Inc. (KAC)
- Kansas Association for the Education of Young Children
- Kansas Association of Licensed Private Child Care Agencies
- Kansas Association of Local Health Departments
- Kansas Association of School Psychologists (KASP)
- Kansas Association of School Social Workers
- Kansas CASA Association (KCA)
- Kansas Chapter of American Academy of Pediatrics
- Kansas Child Abuse Prevention Council (KCAPC)
- Kansas Child Support Enforcement Association
- Kansas Childrens Service League (KCSL)
- Kansas Council on Crime and Delinquency
- Kansas Council for Exceptional Children
- Kansas Kids
- Kansas-National Education Association
- Kansas Psychological Association
- Kansas State Head Start Directors Association
- Kansas State Nurses Association (KSNA)
- Kansas Trial Lawyers Association (KTLA)
- Keys for Networking
- League of Women Voters of Kansas
- March of Dimes of Kansas City
- March of Dimes of Wichita
- Perinatal Association of Kansas (PAK)
- Public Assistance Coalition of Kansas (PACK)
- Reno County Youth Services
- Roots and Wings, Inc.
- S.O.S.
- Temporary Lodging for Children, Inc.
- The Farm, Inc.
- The Shelter, Inc.
- The Wichita Children's Home
- United Methodist Youthville, Inc.
- The Villages, Inc.
- Wyandotte House, Inc.

HAPPY BIRTHDAY TO THE 106 CHILDREN BORN IN KANSAS EACH AND EVERY DAY

At the present time, 16 of these children had inadequate prenatal care, 6 were born weighing under 5-1/2 pounds, 15 will live in poverty, 8 will get public assistance, 62 will be in daycare, 5 will have a significant disability, 19 will not graduate from high school with their class and 16 will have babies by age 19. Kansas children deserve better!



5500 S.W. 7th ST. (LOWER LEVEL)

TOPEKA, KANSAS 66606

913-272-8447

6-4/4



Department of Health and Environment
Azzie Young, Ph.D., Secretary

Reply to:

Testimony presented to
Senate Judiciary Committee

by

The Kansas Department of Health and Environment

House Bill 2690

Thank you for the opportunity to speak to you today about our strong support for the work of the Special Committee on Children's Initiatives. In its "Blueprint for Investing in the Future of Kansas Children and Families" the Committee outlines seven targets for change. These relate generally, and specifically in many instances, to the KDHE mission of protecting the health and safety of all our citizens. We share the concern of the Committee for the health and well-being of future generations and their ability to maintain an adequate standard of living and quality of life.

Our mandate, as an agency charged with protecting the public health of all our citizens, is challenged by many distressing trends. These include, among others, increased numbers of uninsured and underinsured children and families, increases in family stressors due to economic and social conditions, and rising health care costs.

The Institute of Medicine outlines our core public health functions to improve the health of citizens. These state health department functions include the following: 1) assessment of public health problems and needs in the state; 2) policy development according to assigned priorities; and, 3) assurance of strategies, interventions and direct services.

We are challenged in this mission by increased demands on state and federal resources and the need for ever greater efficiency and effectiveness of all state agencies. Due to the immensity of the challenges confronting us, we join efforts with our colleagues in medicine, education, social services, other human services, with policy makers, business, with parents, and with advocates.

Recommendation

KDHE supports HB 2690. A Joint Legislative Committee will complement and support the activities of the Kansas Commission on Children, Youth and Families and efforts within the state to improve the health and well-being of mothers and children.

Testimony presented by: Linda Kenney, Acting Director
Bureau of Family Health
Kansas Department of Health and Environment
March 25, 1992

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Donna Whiteman, Secretary

Senate Judiciary Committee
Wint Winter, Jr., Chairperson

March 25, 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.

Mr. Chairman, 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 two 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.

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March 25, 1992
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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 duplicative 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.

Donna L. Whiteman
Secretary
Department of Social and
Rehabilitation Services
(913) 296-3274

ARMSTRONG / PHILLIPS CASE

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 GRANDAUGHTER 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 GRAND-MOTHER 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 GRANDAUGHTER, 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 GRANDAUGHTER WAS 3 1/2 YEARS OLD AT THIS VISIT AND WAS ONLY 2 YEARS 10 MONTHS OLD AT THE PREVIOUS VISIT .

Senate Judiciary Committee
March 25, 1992
Attachment 9

PG. 1

1/18

(4)

- (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 A 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.)

(11)

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 AS WELL AS THE DOCTOR CONSIDERED THESE CHARGES AND ALLEGATIONS TO BE UNFOUNDED AND UNWARRANTED.

(12)

1.) MOTHER TOOK 3 YEAR OLD TO WYANDOT MENTAL HEALTH WHERE SHE SAW 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 MID-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 THEREFORE 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 ! THE 15 YEAR OLD WAS TOTALLY CLEARED OF ALL CHARGES !

FEBRUARY 1991

SECOND HALF OF TRIAL BEGINS

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

MAY 1991 (CONT.)

(16)

- 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 , FURTHER-MORE 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 IT THEY (WYANDOT MENTAL HEALTH) WOULD 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.

**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)

- 1.) ON THE MONDAY FOLLOWING THESE VILE 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 :

THE OLDEST SON AND HIS WIFE (DAUGHTER IN-LAW) 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 IS OF VITAL IMPORTANCE TO THE CHILDREN.

CHILD PROTECTION SERVICES
NOTICE OF PROPOSED FINDING
CY-2890

DATE OF MAILING: _____ LOCAL SRS OFFICE: KCAO
TO: Christa Phillips FROM: Karen Williams, LBSW
(15 year old honor student)
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)

9-6/18

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 Courcy 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: Gene Burm
Jenny Hartwell
Leann Robinson

(7)
9-7/18

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

8

9-8/18

CHILD PROTECTION SERVICES
NOTICE OF AGENCY DECISION

CY-2892
Rev. 5/90

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

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. Delaney 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.

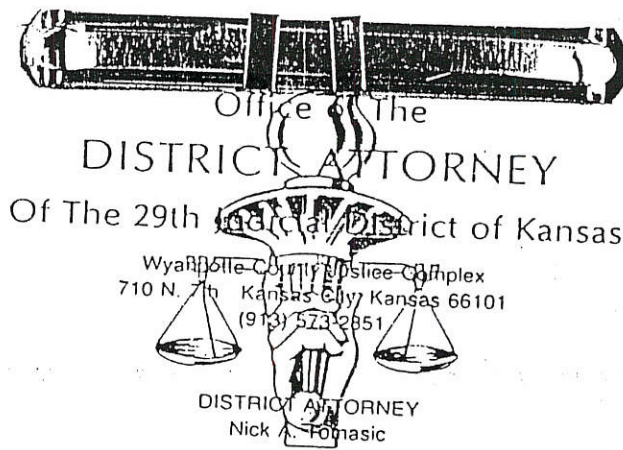
This Form Supercedes Form CY-2892, Rev. 6/87
Distribution: White, Addressee; Yellow, File

Page 1 of 2

CC: Gene Burns
Jenny Hartwell
Leann Robinson

(9)

9-9/18



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

10
9-10/18

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. 252

Social Worker: Danella Hudson

~~As per on Cindy Howard~~

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

9-11/18



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

IA
9-12/18

- (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.

13
9-13/18

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

13

9-14/18



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,

A handwritten signature in cursive script that reads "Ronald Green".

Ron Green
Senior Auditor

15

9-15/18

... 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

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.

What about the edges?

Well,

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. He preaches 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?

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

There have been times when I've walked up to a car for 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 little better, because I'd certainly like to treat you with the courtesy and respect you deserve.'

How have you always operated that way?



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

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 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 crime. I don't think we were put here to live and have good jobs. Our main job is to raise children and raise them. And if you are going to raise them, you should take the time to raise them.

Q. What major lessons have you learned in your job?

A. I've learned that you've got to have a certain percent of people that are never going to live up to 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 hospital. We were running down the hallway to the emergency room with her and she started breathing again. When we talked to the doctor, he said the doctor running with her probably started her breathing. As far as I know, today she is fine and that really makes you feel good.

James A. Fussell is a writer for The Star.

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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.

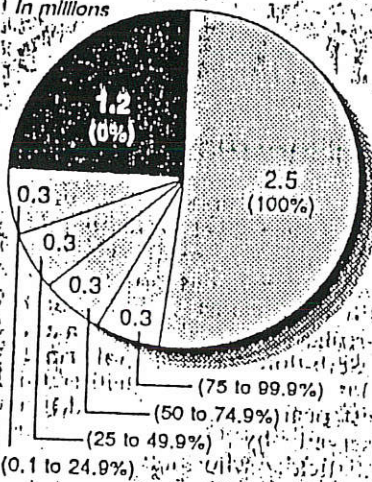
"But there are cases where men just flat leave. They don't want to pay. They're angry at their spouse. Often they couch this in terms of, 'If I can't see my children, I'm not going to pay child support. That's what we hear most often.'"

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

Child support

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



Percentage of payments received from:

Fathers with visitation rights
Payments due: 3,876,000
79.1% 20.9%

Fathers with joint custody
Payments due: 396,000
90.2% 9.8%

Fathers without visitation rights or joint custody
Payments due: 681,000
44.5% 55.5%

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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9-17-8

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.² 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.³

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.⁴ By 1980 this number had dropped to 302,000⁵, and it declined further to a low of 275,000 in

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9-18/18

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, 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.

*Senate Judiciary Committee
March 25, 1992
Attachment 10*

**Expanding Understanding
of Public Problems and
Policies — 1991**

**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**

**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**

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.

Senate Judiciary Committee
March 25, 1992 Attachment 11 1/1

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 and go. These blended families create a different set of problems with jealousy, discipline, the potential for abuse and fear of attachments.

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 (Glendon). 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

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

Knute 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 (Schepard) to truly promoting the children's interests.

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

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, under-achieving (Edelman, p. 10).

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**

F O U N D E D 1 9 3 7

*Senate Judiciary Committee
March 25, 1992
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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.

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.

Institute of Judicial Administration

American Bar Association

Juvenile Justice Standards

Preface



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.

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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.

Standards

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.

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

SENATE JUDICIARY COMMITTEE

Senator Winter, Chairperson
Wednesday, March 25, 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 position; 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 complete family court system by developing two pilot projects located in urban and rural areas.

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

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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 to families (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 should invest more money in our 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.

March 25, 1992

Senator Wint Winter and
Members of the senate Judiciary Committee,

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

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... 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

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Accreditation of Services
for Families & Children

TESTIMONY BEFORE SENATE JUDICIARY

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

**By: Melissa Ness JD MSW
March 25, 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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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.