

Approved: WRLW Date 7/22/92

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 26, 1992 in room 514-S of the Capitol.

All members were present except:
Senator Oleen who was excused.

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:
Charles Harris, Kansas Judicial Council
Art Sandquist, Topeka
Representative Sandy Praeger
Jean Shepherd, District Court Judge in Douglas County
Charles Graham, Lawrence
Sydney Hardman, Kansas Action for Children, Inc.
Sue Lockett, Kansas CASA Association, Inc.
Roberta Sue McKenna, Kansas Department of Social and Rehabilitation Services
Kay Farley, Office of Judicial Administration
Barbara Armstrong, Kansas City
Mary Anne Sause, Wyandotte County
Aaron Wallard, Parker
Jackie Wallard, Parker
Stan Wallard, Parker
Timothy Henderson, Shawnee County Assistant District Attorney
Dr. Thomas White, Kansas VOCAL
Roger Doeren, Shawnee Mission

Chairman Winter brought the meeting to order by opening the hearing for HB 2102.
HB 2102 - child support through high school.

Charles Harris, spoke on behalf of the Kansas Judicial Council in support of HB 2102. (ATTACHMENT 1)

Art Sandquist, Topeka, spoke in opposition to HB 2102. (ATTACHMENT 2) Mr. Sandquist provided copies of a letter addressed to Senator Petty from Curtis Hartenberger in opposition to HB 2102. (ATTACHMENT 3)

Written testimony from Kay Farley, Child Support Coordinator, Office of Judicial Administration, in support of HB 2102 was distributed to the Committee. (ATTACHMENT 4)

This concluded the hearing form HB 2102. The hearing was opened for HB 2987.
HB 2987 - creating the Kansas citizen review board and local citizen review board to review child in need of care cases.

Representative Sandy Praeger testified in support of HB 2987. (ATTACHMENT 5) She also presented copies of news articles from the March 22, 1992, Lawrence Journal-World titled Helping 'our own': Foster Care Review Board assists judge in seeing children's needs are met first, Legislators eye county's board as model for state and Reviewer's seat once on other side of table.

Representative Praeger addressed the fiscal aspects of HB 2987 by stating the official fiscal note allows for full staffing in establishing each projected review board. However, that figure is overgenerous in her opinion. She explained that each full group of staff would manage four review boards.

Jean Shepherd, District Court Judge in Douglas County, presented testimony in support of HB 2987. (ATTACHMENT 6) She added that she would support the amendment to be offered by Kansas Action for Children, Inc. She also expressed her opinion that an extremely important part of the program system is the Court Appointed Special Advocate (CASA).

Charles Graham, Lawrence, spoke in support of HB 2987 from his personal experiences of being before a review board in Douglas County. He stated his belief that it works well enough to have given him a better chance in life.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:05 a.m. on March 26, 1992.

Sydney Hardman, Kansas Action for Children, Inc., testified in support of HB 2987 and presented fiscal details and balloon amendments addressing concerns expressed by others. (ATTACHMENTS 7, 8 and 9)

Sue Lockett, Kansas CASA Association, Inc., testified in support of HB 2987. (ATTACHMENT 10)

Doug Bowman, Children and Youth Advisory Committee, testified in support of HB 2987. (ATTACHMENT 11)

Roberta Sue McKenna, Kansas Department of Social and Rehabilitation Services, testified on behalf of Secretary Donna Whiteman in support of the concepts in HB 2987. (ATTACHMENT 12)

Kay Farley, Office of Judicial Administration, spoke on behalf of Chief Justice Richard Holmes with concerns regarding the fiscal aspects of HB 2987. She shared a copy of a letter from Sedgwick County Judge James Burgess to explain those concerns. (ATTACHMENT 13) She explained the mechanics of processing funds and the requirement of distribution of those funds through a state agency.

Barbara Armstrong, Kansas City, rose to express her support for HB 2987.

Mary Anne Sause, Wyandotte County, testified in support of HB 2987. She related her personal experiences with SRS and expressed her conviction that review boards would help by eliminating the possibility of social workers having the sole authority to remove children from their homes.

This concluded the hearing for HB 2987. The hearing was reopened for SB 689.
SB 689 - child abuse and neglect amendments.

Written testimony from Secretary of Kansas Department of Social and Rehabilitation Services Donna Whiteman was distributed to the Committee. (ATTACHMENTS 18 and 19)

Aaron Wallard, Parker, testified in opposition to SB 689 by describing a personal experience with SRS. (ATTACHMENT 14)

Jackie Wallard, Parker, presented her experience with SRS as evidence for opposition to SB 689. (ATTACHMENT 15)

Stan Wallard, Parker, presented testimony in opposition to SB 689 in its present form. (ATTACHMENT 16)

Timothy Henderson, Shawnee County Assistant District Attorney, rose to speak in opposition to SB 689.

Dr. Thomas White, Kansas VOCAL, presented written testimony in opposition to SB 689. (ATTACHMENT 17)

Written testimony in opposition to SB 689 was received from Glen Burdue, Wichita. (ATTACHMENT 20)

Chairman Winter closed the hearing on SB 689 by announcing his intention of not having action on the bill, but perhaps recommending it for an interim study.

Roger Doeren, Shawnee Mission, was given the opportunity to present testimony in support of HB 2691, family court system pilot projects. (ATTACHMENT 21)

Written testimony was submitted by Elisa Marie Breitenbach, National Pro VOCAL, in support of HB 2987. (ATTACHMENT 22)

SB 655 - establishing children's community services planning group.

Chairman Winter noted that SB 655, scheduled to be heard on this date, had a companion House Bill, HB 3113, that is now in the Senate Education Committee. He suggested it would be more expeditious to allow the House Bill to continue the progression rather than address SB 655 at this late date.

Testimony was submitted in written form from Senator Nancy Parrish and Secretary of SRS Donna Whiteman regarding SB 655. (ATTACHMENTS 23 and 24)

Information was received from Stu Entz, Kansas Chamber of Commerce and Industry, relative to questions raised at the hearing on HB 3017, prohibiting discrimination against military personnel. (ATTACHMENT 25)

The meeting was adjourned at 11:14 a.m.

Date March 26, 1972

VISITOR SHEET
Senate Judiciary Committee

(Please sign)

Name/Company

Name/Company

Stanley H. Holland - self

Daron Wollard - Pro-^{Deaf} (bca)

Jackie Wollard - self

Mary Anne Spruce 108 S. 15th

913-
268-1142

Kansas City, KANSAS (d. 102
(Representing Self & Children)
Proprietor for 2987

Sydney Hardman / KAC

J. Bryant KAC

ROGER DOEHLER
PARENT ACTION;
NATIONAL COUNCIL FOR
CHILDREN'S RIGHTS;
KAC

TOM WHITE, LMSW, Ph.D
KANSAS VOCAL

Deborah Van Saun C.A.S.A. Volunteer

Jim Clark, KC DAA

SUMMARY OF TESTIMONY
OF CHARLES F. HARRIS
IN SUPPORT OF HB 2102 AS AMENDED

Charles F. Harris, attorney at law, from Wichita. Vice-Chairman of Family Law Committee, Wichita Bar Association; former Chairman of Family Law Section, Kansas Bar Association; Member Child Support Guidelines Advisory Committee to the Kansas Supreme Court; member Family Law Advisory Committee to Kansas Judicial Council.

History:

Prior to 1985, child support terminated when the minor child attained the age of majority. When that age was twenty-one, there was no problem with the child having either completed or dropped out of high school. When the age of majority was reduced to eighteen, the courts began to encounter situations in which children reached age eighteen, but were still in high school.

In 1985, the legislature passed an amendment to K.S.A. 60-1610 which provided that child support would continue until June 1 of the school year in which the child turned eighteen so long as the child was still attending high school.

This amendment effectively met the problem of the children who had a birthdate before the end of the school year.

The amendment did not address the problem of the children who were held back at the start of their school careers, or kept back a grade. These children frequently reach age nineteen during their senior year.

Amendment:

The current amendment to HB 2102 offers a solution to this problem. It first retains the current system so child support will automatically continue until June 1, of the year in which the minor child turns eighteen. It then permits an application to be made to continue the support where the child is still a bona fide high school student through the end of the high school year in which the child turns nineteen. At the hearing on the motion to continue the support, the court may impose such conditions as are appropriate. For example, the court could require attendance reports on a periodic basis or a minimum grade performance.

Another major protection built into the amendment is that it is available only if the parents jointly participated or knowingly acquiesced in the decision which delayed the child's completion of high school. If the child has dropped out and then returned to school after the delay, they would not be eligible to continued support under the amendment. This should relieve any equal protection concerns. This section will probably not come into operation in paternity cases because the non-custodial parent is less likely to be involved in decisions about the child's school.

*Senate Judiciary Committee
March 26, 1992
Attachment 1*

March 25, 1992

Senator Went Winter and
Members of the Senate Judiciary Committee,

I am confused and concerned about House Bill 2102. I am confused at the rational for a change such as this in the first place. Apparently I'm not the only one, look at the number of amendments to the bill. This should be a good indication of the legitimacy of the changes concerning child support extension. It isn't really needed. Present law allows for the flexibility to accommodate situations like this. The extension of child support is another situation that puts further burden on those of us that do what is in the best interest of our children without continually being told. Why is it necessary to implement it as a law.

The court system has enough to do without dealing with laws that can be easily abused. I am concerned that this change will make it possible for some custodial parents to fraudulently extend child support as an easy money source. This type of legislation could lead to further extensions and other changes with negative affects while avoiding the issue of inequities presently involving child support. I am concerned that extended child support could develop into adult support for higher education. You as legislators need to work on changes that will not give financial gain to child custody and restrict visitation. Don't create more problems to cause further separation of children from parents due to inappropriate legislation. Children love both their parents and deserve the continued contact of both parents' love. Child support extensions are not needed. Help those of us who are doing everything possible to support our children by not adding extra burdens.

Sincerely Your,



Arthur Sandquist
323 Franklin
Topeka, Kansas 66606

Senate Judiciary Committee
March 26, 1992
Attachment 2

March 24, 1992

Senator Marge Petty
Room 523-S
Capital Building
Topeka, Kansas 66612

Dear Senator Petty:

I am writing about House Bill 2102 as amended. I will share my concerns about the bill. I cannot appear to testify. I ask that this letter be shared with committee members. **I request that you not support HB 2102 in its current form.** As you know, I belong to Concerned Fathers. This is a group of over two hundred divorced fathers in the Topeka area. Criteria for membership in Concerned Fathers is that child support must be paid, must be paid on time with no late payments or arrearages, and that we support our children when we have custody of them or through regularly scheduled visitation. Every member willingly pays child support. This group subscribes to the research which documents the importance of children having a father in their lives, and that men are nurturing. We like to be seen as nurturers rather than as wallets.

I would like to propose changes to HB 2102. On page 9 that June 1 be kept as the date in lines 21, and following references to the same date. The reason is that most seniors graduate in May, before the end of May, and do not attend school after graduation ceremonies. Few graduate in June and those that do graduate long before June 30.

Next I have serious concern over support continuing for a "bona fide high school student after . . ." What does this mean? I a bona fide high school student one that is enrolled for one hour? I propose that **child** support cease when the **child** reaches 18 or graduates from high school at age 18. Continued support (**not**

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Attachment 3

child support) should be between the three adults (the 18 year old) and the adult parents that are paying support. I'll explain the issues by an example that is not isolated or unique.

I will use a personal example to illustrate concerns over HB 2102 in its present form. This example is used so as not to break confidentiality of other parents in similar situations.

My son was 18 on 12-31-91 and is suppose to graduate on May 25, 1992. So, I will pay child support until June 1, 1992. My son meets the criteria for gifted. He is in the gifted program and has been since the first grade. I have joint custody according to the Court Order and my son was to be with me one half time. The court never enforced this agreement which was formalized in the original Order of the Court. So a visitation schedule was worked out. Until 4 years ago this schedule was mostly followed when it was convenient to his mother. During the time he was in my home his grades were always C or above. Four years ago he decided not to keep the visitation schedule, supported by his mother, because he did not like having to get his school work done before doing other activities when with me. He told me "mom doesn't make me do my school work so I'm not going to come to see you." He has been with me very little and not as set forth in the original Order for the past four years. During those four years, he chose to fail classes each year so that he had to take summer school each summer.

Now, I've never missed a school conference and at each conference the teachers told me that my son can do A work, but he just does not do it. Currently he has enough F's to prevent him from graduating when he is suppose to in May of '92. He stopped attending school in January of this year. His mother

will not communicate with me or the school about his failure to perform or graduate.

According to **HB 2102** he will be **rewarded for not performing** if he is enrolled in high school after May of '92. Support will continue **for an adult** who chooses not to perform as long as he is enrolled in high school until age 20. I have a real problem being forced to reward failure when in the instance of my son's intellectual abilities he could have graduated a year early and already be enrolled in college. He was an adult in December of '91 so why can't he negotiate his educational costs with both adult parents after May of '92 for any education? Why is **child support** to be paid for a legal **adult**? That is really an inconsistency in the law. On the one hand they are adult at 18 years old, but can receive *child support* until age 20.

Most parents, myself included, will gladly pay for education for our children anytime, but I want some performance criteria. After age 18 I will make individual arrangements with them, adult to adult, after they are eighteen. I will not accept non performance. As you can see it does not matter which parent requires performance the other parent (who accepts non-performance) and the child are reward for not succeeding when no where in society is non performance rewarded. It is my hope that my example causes you to be aware of issues that HB 2102 creates.

The other issue that you need to be aware of is that **men receive disparate treatment** in most courts in Kansas. Your own **Legislative Post Audit Report** verifies that **Shawnee County Judges discriminate against men in custody matters**. It does not matter that the parents agree on custody. If the mother subsequently

decides not to live up to the Court Order, Judges will do nothing. In my and many other instances, joint custody with half time in each home was agreed on before going to court. It is written in the original Order of the Court. It has **never** been enforced. Two separate judges have stated that they would not enforce the shared custody as written into and signed by all in the original Order of the Court. When one parent learns that they can get more support by decreasing the amount of time the children are with the other parent, Shawnee County Judges increase the support payments to the parent who has the children the most time in spite of what the Court Order states. Many men including myself have been in court every year and ordered to pay more child support to the other parent because the children's time with us has decreased. **Now it does not take a genius to figure out that system.** Those same parents will figure out in a New York minute that they can get support for keeping a child in school until age 19 or 20.

I believe that the proposed changes to HB 2102 create more problems than they solve. In its current form it gives mixed and negative messages to children and some parents. There are custodial parents of either sex who will encourage non-performance on the part of a child to continue to receive a tax free income from the other parent. HB 2102 with as ammended will make this possible. **Therefore, I request that you not support HB 2102 in its current form.**

Thank you for your attention to my concerns.

Sincerely yours,


Curtis E. Hartenberger
2109 S.W. Huntoon
Topeka, Kansas 66604

HOUSE BILL No. 2102
Senate Judiciary Committee
March 25, 1992

Testimony of Kay Farley
Child Support Coordinator
Office of Judicial Administration

Senator Winter and members of the committee:

I am pleased to be here today to discuss 1991 House Bill 2102 with you.

This bill was originally requested last year by the Judicial Council. The bill has been amended several times. As currently drafted the bill amends the divorce code and parentage act to give judges discretion to order support through the end of the school year in which a child turns 19, if both parents have agreed to the decision to delay the child's completion of high school. This bill does not change current law that automatically extends support through the end of the school year in which a child turns 18, as long as the child is a bona fide high school student.

We support this bill. The District Court Trustees have responsibilities for enforcing child support orders. Some of their cases involve children who were delayed in beginning their education or were held back a grade. Child support for these children currently ends with the completion of their junior year in high school. We believe that children should be encouraged to complete high school. Financial security is a factor for some of these children in determining whether or not they can finish the final year of high school. Without the continued child support, the total financial responsibility falls to the custodial parent for the final year of high school. Receiving financial support from both parents during their senior year would help to assure these children the opportunity to obtain their high school diplomas.

We support this bill and recommend passage of the bill as currently amended.

Thank you for the opportunity to discuss HB 2102 with you.

*Senate Judiciary Committee
March 26, 1992
Attachment 4*

SANDY PRAEGER
 REPRESENTATIVE, 44TH DISTRICT
 3601 QUAIL CREEK COURT
 LAWRENCE, KANSAS 66047
 (913) 841-3554



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: EDUCATION
 ELECTIONS
 PUBLIC HEALTH & WELFARE

March 26, 1992

Testimony on HB 2987

Thank you, Mr. Chairman, for this opportunity to appear before the committee in support of HB 2987. This bill establishes a system for expanding citizen review boards (CRB) statewide. Currently we have two citizen review boards in Kansas, one in Douglas County which was established in 1986 and one in Salina which began in January of this year. A judge in Iola is also working on forming a board in Allen County. I've attached to my testimony several articles that appeared recently in my local paper which give a good description of these review boards.

CRB's are recommended strategies to meet two of the "targets for change" in the *Blueprint for Investing in Kansas Children and Families*, the product of the Special Committee on Children's Initiatives on which I served this past summer and fall. One of those targets recommends that CRB's be established statewide with "responsibility for local review of decisions relating to out-of-home placement, reintegration and permanency planning..." (page 58). These review boards can provide us with important information about our current system of placement and permanency planning and, in many cases, promote a more timely reintegration with their families for these children. These citizen review board members, who go through a special training, have the time to devote to a limited number of cases and often times make innovative suggestions because they bring a fresh outlook to the process.

This legislation will, among other things, provide a system for collecting information about the work of these citizen review boards. The annual report that is provided for in the bill would be a thorough, data-based document which will enable us to identify problems in the foster care system and will help policy makers formulate change based on sound data.

Before the session began I observed one of our review boards in Lawrence as they reviewed a case. The child was present, along with his foster parents, his natural parents, his social worker, his guardian ad litem and several others involved with his case. The discussion was informal and every attempt was made to put the child at ease. The child couldn't help but sense that these people really cared about what happened to him. The experience in Lawrence has been very positive. Our studies show that children who have their cases reviewed by the review board are reintegrated with their families or permanently placed in a more timely fashion.

I'd like to make a few comments about the fiscal note that you received and then I would be happy to answer questions.

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Attachment 5

TESTIMONY

Presented to: Senate Judiciary Committee

Presented by: Jean F. Shepherd
District Judge
Lawrence, Kansas

Re: House Bill 2987 - Citizen Review Board

I appreciate having had the opportunity of addressing your committee about the proposed enabling legislation for foster care review board throughout the state.

Our foster care review boards offer strong community support for court-involved families in Douglas County. We have had citizen review boards in Douglas County since 1986. Court Services and the University of Kansas School of Social Welfare combined efforts to train potential board members. The members of the first board represented a community mix in gender, race and profession. We began with one board, and we now have three boards which hear cases the first Monday, Tuesday, and Wednesday of each month. Our boards review cases in person, so members not only have the opportunity to analyze all case file material, but they also have the opportunity to meet the individuals involved in each case and to give those people a chance to be heard in a less formal setting than the courtroom.

The citizen review board process has received excellent reviews from children who are in nonparental custody, from the parents themselves, and from professionals who work in the field. Members of our juvenile court panel, who act as attorneys for parents and as guardians ad Litem, strongly approve of our citizen review boards. We have now reached the point where attorneys actually request that cases go before the review boards.

I am a citizen review board advocate for the following specific reasons:

a. Citizen review board members offer a community conscience in juvenile cases. Their views represent broad-based community standards as to how we want our children treated.

b. Citizen review board members are not part of the system and thus their creativity is unlimited. They constantly offer new ideas and fresh perspectives on juvenile cases.

c. Citizen review board members can become powerful community advocates for resources to meet the needs of our children. Members of the review boards are not people who normally advocate for children's issues and, therefore, their views carry clout.

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d. Citizen review boards are wonderful educators for the entire community as to what really goes on with our children. Most juvenile court proceedings are and need to remain closed hearings; however, it is important that the community be aware of the kinds of issues and problems our children and their families are facing on a daily basis. Foster care review board members can share this information in a general way as they speak throughout the community.

We have begun an innovative citizen review board program called Early Review in which cases are randomly pulled and brought before the boards, after the temporary custody hearing and before the adjudicatory hearing, for what is essentially a services hearing. These hearings are non-accusatory and non-confrontive and focus on what families think they need in order to be able to take care of their children at home, what services SRS and other community agencies have offered and have available to maintain these children at home, frequency of visits, and other issues related to the speedy resolution of these cases. Although the statistics as to the rapidity of permanency for children in early review cases are not yet complete, the records that we have kept do show that services for these families are offered and in place much earlier than for cases that do not participate in the early review process, that family members are much more accepting of these services at this stage of the proceeding rather than later, probably because they have not yet locked into adversarial positions and parents still want their children home. Finally, placement drift may be reduced through these early reviews.

I have had the unique joy of watching our foster care review board grow from an idea about which I read to a reality, and then from reality to an independent entity which now exists on its own merits separate and apart from me. I am very proud of the citizen review board process in Douglas County and feel that it provides a real community service to our children.

Finally, I would like to address three issues raised by Representative Hamilton at the hearing:

1. Liability of citizen review board members: based upon Bonewell vs City of Derby, 236 Kan. 589 (1985), and K.S.A. 1991 Supp. 75-6104(b), citizen review boards are covered by the Kansas Tort Claims Act and perform a judicial function; therefore, members ought not to be liable for damages. Of course anyone can sue anyone for almost anything. The bottom line here is liability, and there appears to be none. We do have an opinion from Patricia Henshall, General Counsel for the Office of Judicial Administration, which supports this position, as does Attorney General's Opinion Number 88-93.

2. The effect of citizen review boards on the pending ACLU case against SRS: certainly citizen review boards might be part of the proposed remedy in this case if one is granted. However, had citizen review boards existed state-wide and performed their function as they do in Douglas County, the ACLU would not have been able to raise many of the claims they have raised in that lawsuit.

3. The possibility of citizen review board members being subpoenaed to testify in the ACLU case: this is possible just as it is possible that any of the juvenile panel attorneys in our district or any judge in the state could be subpoenaed to testify. In some cases the testimony of review board members would support the position of SRS and in some cases it would support positions of the ACLU. We cannot put a lid on problems within the system and hope to correct them. The system needs to be open to the public for review, support, and improvements.

Again, I thank your committee for taking the time and being so attentive to the proposed citizen review board legislation.



Because all children need someone who cares
**Kansas Action
 for Children, inc.**
 A non-profit, tax-exempt organization.

715 SW 10th
 P.O. Box 463
 Topeka, Kansas 66601
 (913) 232-0550
Johannah Bryant
 Executive Director

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TESTIMONY BEFORE THE SENATE JUDICIARY COMMITTEE

RE: HB 2987

CITIZEN REVIEW BOARDS

MARCH 26, 1992

Kansas Action for Children is an organization of citizens for children and for programs which strengthen families. Our interest in Court Appointed Special Advocate (CASA) programs dates back to 1984, when our organization worked with the Supreme Court Task Force on Permanency Planning to recommend CASA to the district courts and the Legislature. Our interest in Citizen Foster Care Review Boards dates back to 1986, when members of KAC helped Judge Jean Shepherd to establish the first board in Douglas County.

Therefore, I appear here to support both of these worthwhile programs for children in the courts. I will focus my remarks mainly on Citizen Review Boards, since there are other very able representatives of CASA here to discuss that program.

In the House, numerous people appeared in support of HB 2987 and to discuss their personal experiences with the boards in Douglas County. To conserve your time today, I've brought copies of that testimony and I'll leave them with the secretary. Those conferees were as follows:

- A parent whose child's case was reviewed;
- A review board member who works at Allen Press in Lawrence;
- A foster parent;
- A Court Services Officer;
- A youth whose case was reviewed; and,
- SRS Acting Commissioner Carolyn Hill

I'm going to present information on two topics: 1) financial projections for CRB, and 2) a balloon which addresses concerns brought to our attention since HB 2987 passed the House. There has been a lot of misinformation about the costs associated with Citizen Review Boards. The one-page hand-out on KAC letterhead represents the work we have done over the last several months to research this issue.

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We have received advice from other states and all segments of our system in Kansas--judges, Court Administrators, SRS, local FCRB staff, attorneys, and others--in order to assure that these financial projections are accurate. In short, a local program to serve 288 children in one year will cost \$16,000. This will involve 1/2 FTE and approximately 25 citizen volunteers who are recruited, screened, and trained to serve on 4 boards. This amount of money will provide a quality program with a high level of services to children and families. We also assume generous in-kind contributions (office, phone, copying, or other) from local courts or counties, to the best of their ability to provide.

Second, I have a balloon to introduce in order to solve issues raised by the bill. The balloon does the following:

- 1) Create the "Permanent Families Fund" to receive money for review boards and CASA. We cannot use the Family and Children Trust Fund because SRS has pointed out there are federal matching funds for the child abuse prevention dollars in the Trust Fund, and commingling the CRB/CASA money could jeopardize the federal match.
- 2) We have left the exact amount of the birth certificate fee to be set by the Secretary of Health and Environment. This is consistent with other fees and much more flexible. The portion of the birth certificate fee which is contributed to the Permanent Families Fund to benefit CRB and CASA remains the same -- \$3 on the first copy and \$1 on additional copies. The annual amount to be raised in this way is approximately \$330,000.
- 3) We would like to omit all language which refers to an eventual mandate for courts to have Citizen Review Boards. We believe the program is so good that it will sell itself, and courts will see its success and come forward to request it.
- 4) It was brought to our attention that any state entity--SRS, the Office of Judicial Administration, etc.--which would be involved in the administration of this fund would be requesting funds for staff. We do not want to add FTE's or to be in a situation where there is no technical assistance for local courts and training for local staff. For 12% of the amount in the fund, all services could be purchased through a contract or contracts. We know that there are private, non-profit agencies and other individuals who have specific knowledge about review boards and CASA who might apply to provide contractual services. They would provide the services with a lot more flexibility and at far less cost than adding state FTE's. KAC and the multi-disciplinary committee which is advising us feel strongly that contracts for services are the most efficient and most effective way to administer these grants and assure the quality of local programs.
- 5) Finally, our balloon suggests a better way to position this program in state government. The Children and Youth Advisory Committee has several attributes which originally made it very attractive to us as the administrative body. However, there are two overriding factors which have led us to the conclusion

that the responsibility and authority for this program should and must reside with the Supreme Court.

First, the review boards and CASA are court programs. Judges will be far more likely to look to the Supreme Court for assistance and guidance in establishing new programs. The Supreme Court already has an extremely well-qualified group of people on a task force who know all of the ins and outs of children and the courts. That is the Supreme Court Task Force on Permanency Planning, formed in 1984 by then Chief Justice Alfred Schroeder. It has been a stable group that has made the transition through four Chief Justices. It is not currently mentioned in any statute, and we do not want another state task force or board created in statute. However, it is currently chaired by Judge Jean Shepherd, and we know that the Task Force would be willing to assume the administration of the Permanent Families Fund if asked by the Supreme Court. The list of Task Force members is attached, and includes five judges who have extensive experience hearing juvenile cases, three SRS representatives, the County and District Attorneys Association, legislators, child advocates, a foster parent, an attorney guardian ad litem, and others. These are the true experts who are in the best position to make decisions about programs for children in the courts. We understand Secretary Donna Whiteman's interest in having an independent body administer this program, and we also have an interest in assuring that citizen volunteers are completely free to recommend actions to benefit children without regard for which agency's toes might be stepped on. The Supreme Court, with assistance from its Task Force on Permanency Planning, is the most likely of any state entity to take a "hands-off" approach and allow these programs to flourish in a spirit of independence.

Second, the Children and Youth Advisory Committee advises the Secretary of SRS on grants from the trust fund. It is actually an SRS grant program, with money flowing through SRS to local recipients. There is a widespread understanding that C & Y has very close ties to SRS, and that trust fund grants come from SRS. It would be difficult for judges to apply to SRS to fund a program which must be completely independent of SRS--or any other agency--to be successful. In short, we have come to understand that local programs which derive their total authority from local judges must have a clear connection to the state court system in terms of technical assistance, funding source, evaluation, and annual reporting. No other state entity can be effective.

Thank you for your attention to HB 2987 and to the needs of children before our courts. Kansas Action for Children stands ready to assist with this program in any way we can.



Because all children need someone who cares . . .

**Kansas Action
for Children, inc.**

A non-profit, tax-exempt organization.

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Topeka, Kansas 66601
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HB 2987

**CITIZEN REVIEW BOARDS
FISCAL INFORMATION**

Approximately \$330,000 per year will be raised with a \$3 surcharge on the first birth certificate and a \$1 surcharge on additional birth certificates.

Up to 12% would be allowed to purchase services (no FTE's) for technical assistance, training, grants administration, data collection, and an annual report. This would leave approximately \$290,000 for grants to local CASA projects and to local courts for Citizen Review Boards.

CITIZEN REVIEW BOARD GRANTS

Average grant:
\$16,000
1/2 FTE
Formation and staffing of 4 review boards
Reviews of cases involving 288 children per year

COST PER CHILD SERVED: \$55.00

With \$100,000, review boards could be formed in six judicial districts, to serve 1,800 children in one year.

With \$150,000, review boards could be formed in nine judicial districts to serve 2,700 children in one year.

With \$200,000, review boards could be formed in twelve judicial districts to serve 3,600 children in one year.

Senate Judiciary Committee
March 26, 1992
Attachment 8

HOUSE BILL No. 2987

By Representatives Praeger, Baker, Barkis, Brown, Chronister, Glasscock, Goossen, Hackler, B. Lawrence, Lynch, Pottorff, Samuelson, Sebelius, Turnquist, Wagnon and White

2-12

13 AN ACT ~~concerning the children and youth advisory committee,~~
14 ~~relating to the powers and duties thereof, [affecting the purposes~~
15 ~~for which moneys in the family and children trust may be used,]~~
16 ~~establishing local citizen review boards in judicial districts; amend-~~
17 ~~ing K.S.A. 96-1402, 65-2418 and 75-5328 and repealing the ex-~~
18 ~~isting sections.~~

relating to the powers and duties thereof; creating the permanent families fund; providing for administration of the fund by the Supreme Court;

19
20 *Be it enacted by the Legislature of the State of Kansas:*

21 New Section 1. (a) Subject to the availability of funds in the
22 ~~family and children trust~~ fund for citizen review boards, there shall
23 be a local citizen review board in each judicial district, or portion
24 of such district.

permanent families and subject to a request from a judicial district, boards in judicial districts, or portions of such districts.

25 (b) The administrative judge of the judicial district, or such
26 judge's designation of another judge, shall appoint three to seven
27 citizens from the community to serve on the local citizen review
28 board. Such members shall represent the various socioeconomic and
29 ethnic groups of the judicial district, and shall have a special interest
30 in children. Such judge may also appoint alternates when necessary.

each

31 (c) The term of appointment shall be two years and members
32 may be reappointed.

33 (d) Members shall serve without compensation but may be re-
34 imburged for mileage for out-of-county reviews.

35 (e) ~~The~~ local citizen review board shall meet quarterly and may
36 meet monthly if the number of cases to review requires such
37 meetings.

Each

38 (f) Members and alternates appointed to local citizen review
39 boards shall receive at least six hours of training before reviewing
40 a case.

41 New Sec. 2. (a) The local citizen review board shall have the
42 following duties, authorities and powers:

3 (1) To review each case of a child who is the subject of a child

Senate Judiciary Committee
March 26, 1992
Attachment 9 1/5

1 in need of care petition or who has been adjudicated a child in need
2 of care. The board may further receive verbal information from all
3 persons with pertinent knowledge of the case and have access to
4 materials contained in the court's files on the case;

5 (2) determine the progress which has been made to acquire a
6 permanent home for the child;

7 (3) suggest an alternative case goal if progress has been insuffi-
8 cient; and

9 (4) make recommendations to the judge regarding further actions
10 on the case.

11 (b) The initial review by the local citizen review board may take
12 place any time after a petition is filed. A review must occur within
13 six months after the initial disposition hearing.

14 (c) The local citizen review board will review each case at least
15 once each year.

16 (d) The judge shall consider the local citizen review board rec-
17 ommendations in making an authorized disposition pursuant to
18 K.S.A. 38-1563, and amendments thereto, and may incorporate the
19 citizen review board's recommendations into an order in lieu of the
20 six-month review hearing. The local citizen review board review shall
21 not replace the 18-month hearing or the successive 12-month hear-
22 ings pursuant to K.S.A. 38-1563, and amendments thereto.

23 (e) Three members of the local citizen review board must be
24 present to review a case.

25 (f) The court shall provide a place for the reviews to be held.
26 The local citizen review board members shall travel to the county
27 of the family residence of the child being reviewed to hold the
28 review.

29 New Sec. 3. ~~(a) On and after July 1, 1997, subject to appropri-~~
30 ~~ation acts, every judicial district shall have appointed a local citizen~~
31 ~~review board.~~

32 ~~(b) On and after July 1, 1999, subject to appropriation acts, every~~
33 ~~child under the supervision of the court shall have such child's case~~
34 ~~reviewed annually by a local citizen review board.~~

35 Sec. 4. ~~K.S.A. 38-1402 is hereby amended to read as follows:~~
36 ~~38-1402. The children and youth advisory committee established by~~
37 ~~K.S.A. 38-1401, and amendments thereto, shall:~~

38 ~~(a) Provide advocacy for children in the governor's office and~~
39 ~~other public and private, state and local agencies affecting children;~~

40 ~~(b) encourage citizen and community awareness as to the needs~~
41 ~~and problems of children;~~

42 ~~(c) advise the governor and the legislature on the needs and~~
43 ~~problems of children;~~

Supreme Court, with the assistance of a group it appoints to advise it on permanency planning matters,

1 ~~(d) review and make recommendations concerning planning and~~
 2 ~~coordination of programs for children; and~~
 3 ~~[(e) consider applications for and make grants to court appointed~~ (a)
 4 ~~special advocate programs or local citizen review boards;]~~ and
 5 ~~(e) [(f)] prepare and submit to the~~
 6 ~~(1) Governor and the legislature an annual report evaluating the~~
 7 ~~level and quality of all programs, services and facilities provided to~~
 8 ~~children by state agencies, and~~
 9 ~~(2) supreme court an annual report evaluating the local citizen~~
 10 ~~review boards and compiling data received from such boards;~~
 11 ~~[(f)] [(g)] receive reports from local citizen review boards regarding~~ (b)
 12 ~~the status of children under the supervision of the local courts and~~
 13 ~~regarding systemic barriers to permanence for children;~~
 14 ~~[(g)] [(h)] assure that appropriate data is are maintained regularly~~ (c)
 15 ~~and compiled at least once a year by local boards on all cases~~
 16 ~~reviewed;~~
 17 ~~[(h)] [(i)] assure that the effectiveness of local boards is evaluated~~ (d)
 18 ~~on an ongoing basis. Where possible, the committee shall use the~~ Supreme Court
 19 ~~random selection of local boards and cases for such evaluation and~~
 20 ~~include client outcome data to determine effectiveness.~~

21 Sec. 5. K.S.A. 65-2418 is hereby amended to read as follows:
 22 65-2418. (a) Except as otherwise provided in this section, the sec-
 23 retary shall fix and charge the fees, if any, to be paid for certified
 24 copies of certificates or for search of the files or records when no
 25 certified copy is made. Fees for certified copies of certificates shall
 26 be fixed by rules and regulations of the secretary of health and
 27 environment except that the fee for the first copy of a birth certificate
 28 shall be \$10 and the fee for each additional copy of the same birth
 29 certificate requested at the same time shall be \$5. The secretary of
 30 health and environment may provide by rules and regulations for
 31 exemptions from such fees.

32 (b) Subject to K.S.A. 65-2420 and amendments thereto, the na-
 33 tional office of vital statistics may be furnished copies or data it
 34 requires for national statistics. The state shall be reimbursed for
 35 the cost of furnishing the data. The data shall not be used for other
 36 than statistical purposes by the national office of vital statistics
 37 unless so authorized by the state registrar of vital statistics.

38 (c) (1) The secretary of health and environment shall remit all
 39 moneys received by or for the secretary from fees, charges or
 40 penalties to the state treasurer at least monthly. Upon receipt of
 41 any such remittance, other than remittances for fees for birth cer-
 42 tificates, the state treasurer shall deposit the entire amount thereof
 43 in the state treasury and the same shall be credited to the state

(e) prepare an annual written report to include the reports and data received pursuant to this section
 (f) distribute the annual report required by subsection (e) to the governor, the legislature, the secretary of social and rehabilitation services, the commissioner of education, the secretary of health and environment and each administrative judge of the district court.
 include a \$3 surcharge
 include a \$1 surcharge

1 general fund. On July 1, 1983, the director of accounts and
2 reports shall transfer all moneys in the vital statistics fee fund
3 to the state general fund. All liabilities of the vital statistics
4 fee fund are hereby transferred to and imposed upon the state
5 general fund. The vital statistics fee fund is hereby abolished.

6 (2) Upon receipt of any such remittance of a fee for a birth
7 certificate, ~~\$7~~ of each such fee for the first copy of a birth certificate
8 and ~~\$4~~ of each such fee for each additional copy of the same birth
9 certificate requested at the same time shall be remitted to the state
10 treasurer who shall deposit the entire amount of each such remittance
11 in the state treasury and the same shall be credited to the state
12 general fund. ~~The balance of the money received for a fee for the~~
13 ~~first copy of a birth certificate and for each additional copy of the~~
14 ~~same birth certificate requested at the same time shall be remitted~~
15 ~~to the state treasurer who shall deposit the entire amount of each~~
16 ~~such remittance in the state treasury and the same shall be credited~~
17 ~~to the family and children trust fund.~~

\$3
\$1

in the permanent families fund. The balance of the money received for a fee for a birth certificate shall be remitted to the state treasurer who shall deposit the entire amount of each such remittance

18 Sec. ~~5-6.~~ K.S.A. 75-5328 is hereby amended to read as follows:
19 ~~75-5328. (a) There is hereby created in the state treasury the family~~
20 ~~and children trust fund. The secretary of social and rehabilitation~~
21 ~~services may apply for, receive and accept grants, gifts and bequests~~
22 ~~from any source, governmental or private, for the purposes for which~~
23 ~~money may be expended from the family and children trust fund~~
24 ~~under subsection (b) [this section], and the secretary shall remit~~
25 ~~all moneys so received to the state treasurer at least monthly. Upon~~
26 ~~receipt of any such remittance the state treasurer shall deposit the~~
27 ~~entire amount thereof in the state treasury and the same shall be~~
28 ~~credited to the family and children trust fund.~~

New Sec. There is hereby created in the state treasury the permanent families fund. Moneys in the permanent families fund shall be used for the following purposes: (a) Up to 12% of the amount remitted to the fund in each fiscal year may be used by the Supreme Court for purchase of service contracts for technical assistance to local courts or local groups wanting to begin citizen review boards or court appointed special advocate programs, grants administration, accounting, data collection, report writing, training of local citizen review board staff, or any other services which the Supreme Court deems necessary for the administration of the permanent families fund grant program.

29 (b) ~~Except as provided in subsection [subsections] (c) [and (d)]:~~
30 ~~moneys in the family and children trust fund shall be used for the~~
31 ~~following purposes: (1) Matching federal moneys to purchase services~~
32 ~~relating to community-based programs for the prevention of problems~~
33 ~~of families and children; (2) providing start-up or expansion grants~~
34 ~~for community-based prevention projects or educational programs for~~
35 ~~the problems of families and children, primarily but not limited to,~~
36 ~~child abuse and neglect and family abuse; (3) study and evaluate~~
37 ~~community-based prevention projects and educational programs for~~
38 ~~the problems of families and children; (4) preparing, publishing,~~
39 ~~purchasing and disseminating educational material dealing with the~~
40 ~~problems of families and children; and (5) payment of the salary and~~
41 ~~actual and necessary travel expenses of the coordinator employed by~~
42 ~~the children and youth advisory committee under K.S.A. 38-1401,~~
43 ~~and amendments thereto. For the purpose of this subsection (b),~~

1 "educational programs" shall include instructional and demonstration
2 programs whose main purpose is to disseminate information and
3 techniques or to provide services for the prevention of problems of
4 families and children. No moneys in the family and children trust
5 fund shall be used for the purpose of providing services for the
6 voluntary termination of pregnancy.

7 ~~[(e)]~~ Moneys in the family and children trust fund may be used
8 for making grants to court appointed special advocate programs
9 upon applications which have been approved by the administrative
10 judge of the judicial district in which the program applying for any
11 such grant is located. The children and youth advisory committee
12 shall consider such applications and approve such grants as the
13 children and youth advisory committee deems appropriate.]

(b)
permanent families fund

Supreme Court
Supreme Court

14 ~~(e) [(d)]~~ Moneys in the family and children trust fund for citizen
15 review boards shall be used for the establishment, operation and
16 evaluation of local citizen review boards. Judicial districts may apply
17 for funding, and the following expenditures may be covered:

(c)
permanent families fund may be used for making grants to local
judicial districts for citizen review boards. Such grants

- 18 (1) Local staff, local citizen review board coordinators and clerical staff;
- 19
- 20 (2) telephone, photocopying, office, equipment and supply costs; but only if the local court shows that these expenses cannot be covered locally;
- 21
- 22
- 23 (3) mileage expenses of staff and local citizen review board members; and
- 24
- 25 (4) training expenses for staff and citizen reviewers.

26 ~~(e) (d) [(c)]~~ The children and youth advisory committee shall
27 advise the secretary and the commissioner of youth services in detail
28 on the expenditures of moneys in the family and children trust fund.

29 ~~(d) (c) [(b)]~~ All expenditures from the family and children trust
30 fund shall be made in accordance with appropriation acts upon war-
31 rants of the director of accounts and reports issued pursuant to
32 vouchers approved by the secretary of social and rehabilitation serv-
33 ices or by a person or persons designated by the secretary.

(d)
permanent families
Chief Justice of the Supreme Court
Chief Justice

34 ~~(e) (f) [(g)]~~ The secretary shall designate the commissioner of
35 youth services to exercise the powers and perform the duties granted
36 to and imposed upon the secretary under this section.

37 Sec. 6 7. K.S.A.—38-1402, 65-2418 and 75-5328 are hereby
38 revealed.

39 Sec. 7 8. This act shall take effect and be in force from and after
40 its publication in the statute book.

9-5/15

**TESTIMONY FOR THE SENATE JUDICIARY COMMITTEE
HB 2987**

March 26, 1992

Sue W. Lockett
President
Kansas CASA Association

Since 1981, when the first CASA (Court Appointed Special Advocate) program was brought to Kansas, 16 out of 31 Judicial Districts have been able to establish CASA programs to advocate for the children involved in the court system. An additional program is in the development stages in the 17th Judicial District. The location of these programs is indicated on a map in your handout.

Each of these programs is different, meeting the needs of their community. They do all share the same goal of advocating for every child, on a one-to-one basis, who needs a CASA volunteer because they have been neglected or abused and are involved in the court system. We anticipate this to be an on-going process: first to establish CASA statewide, and second to expand CASA in the districts which currently have a program.

It is estimated that the CASA programs in Kansas are serving between 10% and 15% of the children involved in the court system because of neglect and abuse. There are many more children without advocates to ensure that they do not endure additional "system abuse".

Many of our small new programs are staffed with one person-most of them VISTAs provided through a grant which will be terminated this fall. We are concerned about how these programs will be able to maintain. With only one person in the office it is difficult for them to be here today. They all have written letters which are in your handout and I hope you will take the time to read them.

State grants to supplement local funding would help CASA to meet its goal for Kansas children. All of our programs will continue to raise money in their community to match these funds. We just need some additional help to meet the needs. We urge you to vote in favor of HB 2987.

*Senate Judiciary Committee
March 26, 1992
Attachment 10*



STATE OF KANSAS

CHILDREN AND YOUTH ADVISORY COMMITTEE

SMITH-WILSON BLDG.
300 S.W. OAKLEY
TOPEKA, KANSAS 66606-1898

(913) 296-2017

KANS-A-N 561-2017

TESTIMONY BEFORE SENATE JUDICIAL COMMITTEE
Sen. Wint Winter, Chair
HB 2987 - 3/26/92

Mr. Chairman and members of the committee, I thank you for the opportunity to testify. My name is Doug Bowman, and I represent the Children and Youth Advisory Committee.

The concept of citizen review boards is endorsed by C & Y in our document, "Toward The Year 2002". We think it holds much potential for improving the treatment of children in our court system. As the bill is written, there are a few details that concern us.

Currently, funds in the Kansas Family and Children Trust Fund are derived from three sources: an annual SGF appropriation, a portion of each marriage license fee, and a federal Challenge Grant. Moneys are distributed to community projects in the form of competitive grants. The goal is to prevent child abuse/neglect.

Since Kansas started the first children's trust fund in 1980, we have distributed over 2½ million dollars from border to border. We strongly believe that these efforts should continue. This fund is one of the only sources of prevention funding available.

The proposal would co-mingle the existing Trust Fund with new revenues from birth certificates that are earmarked for CASA's and Citizen Review Boards (CRB). This might make uncertain our federal Challenge Grant. To avoid this unnecessary risk, we recommend a separate fund for the purpose of CASA/CRB programs.

In regards to other proposed amendments, we are truly neutral. There are advantages in both organizational structures. If it is the desire of the Legislature to assign these tasks to the Supreme Court, we will support the Court in every way possible. If it is your wish for C & Y to administer this program, we will do so to the best of our ability. We would repeat our need for a separate fund to be created, rather than using the Children's Trust Fund.

This concept is one that the Children & Youth Advisory Committee endorses. We wish to work with you to make it a reality. At the same time, we must not jeopardize the good work currently being done through Trust Fund grants, in order to accomplish our goals.

Thank you.

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Attachment 11

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Donna Whiteman, Secretary

Senate Judiciary Committee
Wint Winter, Jr., Chairperson

Testimony in Regard to House Bill 2987

March 26, 1992

AN ACT concerning the children and youth advisory committee; relating to the powers and duties thereof; affecting the purposes for which moneys in the family and child trust may be used; establishing local citizen review boards in judicial districts; amending K.S.A. 38-1402, 65-2418 and 75-5328 and repealing the existing sections.

Mr. Chairman, Members of the Committee, I appear to present testimony supporting the concept of House Bill 2987.

Purpose: As funds in the Family and Children Trust Fund are available, this bill would create Citizen Review Boards in each judicial district to assist courts in reviewing cases of children subject to child in need of care petitions. The bill proposes that:

- * Local boards be selected by the administrative judge or designee judge in each judicial district. The board would consist of from three to seven member representative of various socioeconomic and ethnic groups of the district and would receive six hours of training before reviewing cases.
- * Boards meet quarterly and members serve without compensation but may be reimbursed for mileage
- * KSA 75-5328 be amended to establish and operate local Citizen Review Boards by opening the Family and Children Trust fund to cover expenditures
- * KSA 38-1402 be amended to add oversight of local boards to the duties of the Children and Youth Advisory Committee
- * The Committee would assure case data is regularly maintained by local boards, receive reports from local boards on the status of children under court supervision, and on barriers to permanency
- * The Committee would compile data from local boards, provide ongoing evaluation, and make annual report to the Supreme Court

Background/discussion: This intent of House Bill 2987 squarely fits the direction of the SRS Family Agenda.

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Attachment 12

Creation of a system of Citizen Review Boards would bring additional community attention to children who are at a risk of loss to foster care drift, and open additional resources and advocacy. To avert or minimize a child's stay in foster care, the bill:

- * Effectively increases court oversight of cases six months after disposition and annually thereafter, potentially doubling the number of reviews conducted under court auspices
- * Dovetails with the department's commitment to maintain family connections and belonging for children in care, by offering children and families opportunity to be heard in a non-adversarial setting and prompting their active participation in the process of reunification
- * Catalyzes additional community resources and advocacy by citizens outside the traditional child serving system

The bill further permits "early review" - review prior to adjudication - which experience in Lawrence by Judge Jean Shepherd's court suggests keeps children in home or expediting return home by quickening the delivery of necessary services.

The Department of Health and Environment reports that last year they issued 97,010 "first" copies of birth certificates and 38,819 "second" copies. At \$3.00 per first copy and \$1.00 per second copy this would generate \$329,849. Kansas Action for Children estimates that startup costs for Citizen Review Boards in eight counties, with central support, could be as much as \$350,000 and could rise \$2,000,000 when the system is fully operational in 1999. Assuming that this grant program would operate similar to the Family and Children's Trust Fund grant program, which is also under the direction of the Children and Youth Advisory Committee, it is anticipated that 15 to 20 grants would be awarded the first year and no less than 30 grants would be awarded annually thereafter.

The administrative costs that are associated with staff support to the Children and Youth Advisory Committee and the administration of an additional grants program are not provided for in the Bill. The application review, processing of awards, and on-going monitoring is highly technical and staff intensive. This new responsibility can not be assumed by the current staff level for Youth Services. One Office Specialist would be required to process applications and provide technical support to this new grant program.

Recommendation: We strongly support House Bill 2987's concept and plan for creation of Citizen Review Boards across Kansas, but we ask that appropriate funding be made available for the implementation and continuous operation of the Citizen Review Boards.

Donna L. Whiteman
Secretary
Department of Social and
Rehabilitation Services
(913 - 296-2371)

12-2/2

House Bill 2987

Testimony of
James L. Burgess
Presiding Judge, Juvenile Department
18th Judicial District, Sedgwick County

I wish to voice very deep concerns about the passage of House Bill 2987. While the concept of citizens review boards is excellent, I have great fear that the implementation and operation of such boards would be so overwhelming that the juvenile department in this district could not carry on in a manner that would serve the interests of children.

The major concerns are the additional demands that would be placed on both the staff of the court and SRS. In our district, every case is set for a temporary custody hearing, adjudication, and disposition. At the dispositional hearing, a date is set on a docket for a review hearing. At that review hearing, all the parties are to be present with their counsel. Written reports are submitted by the social worker, psychologists, alcohol and drug counselors, family support workers, the children's placements, court appointed special advocates, and every other source that has information about the case.

If all the parties agree to the admission of the reports, the documents are discussed, the parties can comment, and the court decides what orders need to be entered to achieve a proper result. At the end of the hearing, a date is set for the next review hearing. If the parties do not agree to the admission of the reports, a specific date is set for a hearing and the parties whose reports were offered are subpoenaed. Again, a date for the next review is set at the end of this hearing.

In our court, reviews are scheduled on average about every 90 days. If a case needs more attention, it will be rescheduled in as little as 30 days and if a case needs less supervision it may be scheduled in 120 days. If it appears that the result of a case is to be long term foster care, the case may be set on an administrative review docket. On this docket, the court, along with a court services officer, reviews the same information that would be received at a regular review docket but the parties are not required to attend. If the court, or any other party, sees a problem, the case can be placed back on the in-court review docket. Administrative review is also utilized in those cases where things are progressing very well and time is needed to complete the reintegration process. Administrative reviews are scheduled at intervals of one to six months. At the end of each administrative review, the next review is scheduled.

In our district, child in need of care cases are given careful

Senate Judiciary Committee
March 26, 1992
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scrutiny. Cases simply do not fall between the cracks. These face to face reviews are important. The court can assess the commitment and attitude of parties which is particularly important in respect to cases that may be heading for termination. If problems are being encountered in a case, the court can directly address the parties causing the problems.

This careful scrutiny obviously causes a heavy caseload. Enclosed is a summary of the caseload of our court services officers handling child in need of care cases. This document shows that 340 cases were filed in 1991 bringing the total number of cases under court supervision to 699. As a result, our court services officers appeared at 2427 in-court hearings and 1170 administrative reviews. As noted, this resulted in each court services officer carrying an average caseload of 153.2 children. Our most recent count shows 730 open cases.

To ask our court staff, SRS workers, professional counselors and many others involved in a child in need of care case to participate in citizen review boards would be a burden that would far out weigh any benefit. It would take a full time staff person, or more likely persons, to coordinate these reviews by citizen review boards. There is nothing in the proposed legislation to provide for this staff, and in fact, our court services staff has been reduced in recent years. Our court services officers and SRS workers are not able at this time to provide all the services they are trained to provide due to heavy case loads. These people would be an integral part of any citizens review and requiring them to organize, participate, facilitate or otherwise be involved is more than can be asked of these people.

In regard to professionals participating in citizens review hearings, such a requirement could further hinder our ability to secure services for the parties. At this point in time, it can take up to eight weeks or more for the court to receive a psychological evaluation of a party. If counseling is ordered as a result of the evaluation, a party can be on a waiting list for services for another eight weeks or more. If psychologists, or other professionals, are subpoenaed to participate in additional hearings, it is very possible they will not make themselves available to provide the services.

It has been suggested that citizen review boards will take some pressure off the courts. It may help judges in that they won't have to sit through so many hearings but it will not help the front-line staff. They will be preparing for just as many hearings, if not more, and the hearings will be at different times, different places, and for different purposes. This will in all probability require more preparation time for staff. In the long run, I believe citizens review boards may hurt a judge in making appropriate decisions. The contact a judge has with parents is limited at best. The in-court review hearings are therefore an important time for the court to learn things about the parents, assess their commitment, understand

their perspective, and to get a sense of how the case is progressing. These things become very important when difficult decisions must be made, particularly decisions about termination of parental rights.

The case loads in Sedgwick County are as high or higher than any other district. Many of the types of problems we see here are probably not seen in other districts, or at least they are seen more frequently. While it is not to be implied that the universe revolves around Sedgwick County, it is firmly believed that what may work in many districts may not work for all districts. Our case load is heavy but every case is reviewed in a more than adequate manner. Asking our staff and the staff of SRS to do one more thing could be the one thing that could cause the system to overload. We are simply asking that either citizens review boards not be required in those districts where a proper review is being conducted within appropriate time frames or that each district have some flexibility as to how citizens review boards are to be implemented.

FAMILY SERVICES CASELOAD
ANALYSIS BY YEAR

Year	Month Ending	# Of Children	# Of Cases	# Of Court Hearings	# Of Children Administratively Reviewed	# Of New Cases Filed	# Of Children Involved	# Of Children Discharged	# Of Staff	Aver Casel Siz
1983	Dec. 31	726	503	1010	1207	150	211	600	8.5	85.
1984	Dec. 31	640	457	1355	1096	162	212	299	7.5	85.
1985	Dec. 31	558	409	1252	989	144	184	266	7.5	74.
1986	Dec. 31	561	431	1388	780	178	220	218	7.5	74.
1987	Dec. 31	681	544	1883	854	285	336	217	8.5	80.
1988	Dec. 31	725	563	1748	1139	268	328	284	8.5	85.
1989	Dec. 31	853	605	2082	1061	308	438	312	9.25	92.2
1990	Dec. 31	952	619	2310	996	310	466	368	9	105.6
1991	Dec. 31	1149	699	2427	1170	340	555	358	7.5	153.2

TOTAL P.03

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I AM HERE FOR ALL THE KIDS IN THE SYSTEM WHO ARE BEING ABUSED IN THE SYSTEM, MENTALLY, PHYSICALLY, EMOTIONALLY, AND SEXUALLY WHO CANNOT BE HERE TODAY. THEY CAN'T BE HERE TODAY BECAUSE THEY ARE BEING "**PROTECTED BY THE SYSTEM?**"

I AM A VICTIM OF THEIR PROTECTION. WHAT IT TOOK SIX PEOPLE TO DO IS NOW ALL MY FAULT. WHAT IS ALL MY FAULT? I JUST DID WHAT EVERYONE TOLD ME TO DO.

I WAS UNHAPPY WITH MY PARENTS OVER NORMAL DISCIPLINE AND MY GRANDPARENTS TOLD ME I WAS BEING ABUSED. THEY ENCOURAGED ME TO LEAVE HOME AND I DID. I TRUSTED THEM TO SUCH AN EXTENT I ACTUALLY BEGAN TO BELIEVE THEM AFTER NEARLY A WEEK OF PHONE CALLS PRIOR TO MY LEAVING.

MY GRANDPARENTS SAID TO THREATEN SUICIDE TO BE CONVINCING SO I COULD LIVE WITH THEM.

MY CASE IS BASED ON FALSE STATEMENTS MY GRANDPARENTS TOLD ME TO MAKE. SO I MADE THOSE STATEMENTS TO CATHY STOCKARD. APPARENTLY THOSE STATEMENTS WERE NOT ENOUGH BECAUSE SHE KEPT SAYING, "WE NEED TO FORM A CASE AGAINST YOUR PARENTS". THEN THE LIE GREW WORSE WHEN SHE EXAGGERATED THOSE STATEMENTS. SHE SAID, "TRUST ME". SHE STATED IN THE REPORT THAT I HAD A 1/4" TO 1/3" SCAR ON MY WRIST, WHICH IS A LIE. I HAVE NO SCAR!

ALL THE PEOPLE IN THE SYSTEM WITH WHOM I CAME IN CONTACT DID THEIR BEST TO MAKE A CASE AGAINST MY PARENTS AND ENCOURAGED ME TO DO THE SAME. THEY TURNED ME AGAINST MY PARENTS AND CONTINUALLY TOLD ME I WAS BEING ABUSED AND TREATED UNFAIRLY. THIS ONLY REINFORCED WHAT MY GRANDPARENTS HAD ALREADY CONVINCED ME OF.

AFTER BEING CONVINCED BY ME AND MY GRANDPARENTS THAT I WAS BEING ABUSED, SERGEANT BUTTERS OF THE MIAMI COUNTY POLICE DEPARTMENT, SAID "I WAS IN A SIMILAR SITUATION WHEN I WAS YOUR AGE". HE SAID, "YOU NEED TO KEEP UP WITH YOUR STORY AND KEEP TELLING EVERYONE YOU DO NOT WANT TO GO BACK HOME". HE SAID, "YOU SEEM TO BE A QUIET TYPE OF PERSON. FIGHT THE SYSTEM AND BE FORCEFUL BECAUSE THE SYSTEM WILL TRY TO PUT YOU BACK IN YOUR HOME." HE SAID WE WOULD HAVE TO CONVINCING 12 OF HIS PEERS ON A JURY THAT I WAS BEING ABUSED SO THAT I COULD POSSIBLY LIVE WITH MY GRANDPARENTS. HE SAID, "DON'T TELL ANYONE YOU'RE GOING TO TALK WITH WHAT I JUST TOLD YOU BECAUSE IT WOULD NOT LOOK GOOD".

THEY MADE ME FEEL I WAS DOING THE RIGHT THING--BUT I WASN'T.

COUNTY ATTORNEY, **ROBERT YOUNG** WAS THE ONLY ONE WHO ENCOURAGED ME TO BE HONEST. HE SAT ME DOWN AND SAID "AARON I NEED YOU TO BE HONEST WITH ME". HE SAID VERY STERNLY, "ARE YOU OR YOUR SISTER REALLY BEING ABUSED OR NOT". ALTHOUGH I WAS STILL REMEMBERING WHAT BUTTERS HAD SAID ABOUT FIGHTING THE SYSTEM I KNEW THAT I HAD TO BE TRUTHFUL THIS TIME. ROBERT YOUNG WAS THE ONLY ONE WHO GAVE ME THE CHANCE TO BE HONEST AND THE ONLY ONE WHO ENCOURAGED ME TO BE TRUTHFUL. I SAID, "NO MY SISTER AND I HAVE NEVER BEEN ABUSED IN ANY WAY". HE THEN LEFT THE ROOM TO TALK WITH MY GRANDPARENTS FOR A CONSIDERABLE AMOUNT OF TIME.

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LOLA MC FARLAND, THE SRS WORKER AGREED WITH COUNTY ATTORNEY ROBERT YOUNG I NEEDED TO GET ADMITTED TO THE HOSPITAL SO THEY COULD GET A CINC PETITION TO REMOVE ME FROM MY HOME. BY THIS TIME I WAS SO SCARED, I DID NOT TRUST ANYONE. SHE SAID I SHOULD NOT TALK TO MY PARENTS ON THE WAY--THEY WERE NOT TO BADGER ME--AND THEY DIDN'T--THEY TOLD ME THE TRUTH. MY PARENTS WERE THE ONLY ONES WHO HELPED TO STOP THE WHIRLING **TORNADO** OF FEAR AND CONFUSION THAT HAD TAKEN OVER MY MIND. I DID NOT GET ADMITTED TO THE HOSPITAL BECAUSE I WAS NOT SUICIDAL AS THE HOSPITAL REPORT STATED.

I HAVE BEEN GIVEN ONE BIG DOSE OF REALITY FROM THIS EXPERIENCE. I HAVE COME TO REALIZE THE WORLD IS NOT AS PERFECT AS I HAD PICTURED IT AND THE ONLY THING EVERYONE REALLY CARES ABOUT IS COVERING UP WHEN THEY HAVE MADE MISTAKES.

I DID EVERYTHING THESE PEOPLE TOLD ME TO DO BECAUSE THEY SAID I WAS DOING THE RIGHT THING AND TO TRUST THEM. I WILL FIND IT EXTREMELY DIFFICULT TO EVER TRUST PEOPLE THAT HOLD THESE POSITIONS IN OUR GOVERNMENT EVER AGAIN. ESPECIALLY BECAUSE THEY ACTED WRONGLY YET THEY ARE IMMUNE. DOES ANYBODY CARE I GUESS NOT. I DID NOT REALIZE I LIVE IN SUCH A TWISTED SOCIETY UNTIL NOW.

AARON WOLLARD
RURAL ROUTE 1, BOX 69
PARKER, KANSAS 66072
913 898-6552

PRESENTATION
TO SENATE JUDICIARY COMMITTEE

BY JACKIE WOLLARD

LAST SEPTEMBER OUR HOME AND FAMILY WAS INVADED, INTRUDED UPON AND CONSEQUENTLY THROWN INTO TURMOIL AND DISTRESS, WITHOUT WARNING, BY ONE PHONE CALL TO THE LOCAL SRS OFFICE BY JUVENILE AUTHORITIES. WE WERE CHARGED WITH CHILD ABUSES OF ALL DEGREES BECAUSE OF A BITTER AND GRUDGE-HOLDING RELATIVE.

ALONG WITH THE NORMAL CONFLICTS OF CURFEWS, DISCIPLINE MEASURES, AND PRIVILEGES, OUR CASE ALSO INCLUDED A UNIQUE CONCERN--WE HAVE HOMESCHOOLED BOTH OF OUR CHILDREN FOR SEVERAL YEARS. WHEN OUR SON CALLED HIS GRANDPARENTS ONE NIGHT AND SHARED SOME OF HIS CONCERNS WITH THEM, THEY TOTALLY OVER-REACTED. BECAUSE THEY DO NOT AGREE WITH OUR DECISION TO HOMESCHOOL AND BECAUSE OUR SON WAS UPSET AT THE TIME, THEY USED THIS OPPORTUNITY TO CONVINCHE HIM THAT HE WAS BEING MISTREATED, ABUSED, DEPRIVED, IMPRISONED, ETC. THEY EVEN TOLD HIM HE WAS PROBABLY SUICIDAL. THEY VOWED TO "DO SOMETHING ABOUT THIS". OUR SON HAS SINCE SHARED WITH US THAT HE FELT MORE DEPRESSED, UNHAPPY AND CONFUSED AFTER THAT PHONE CALL THAN BEFORE!

THE GRANDPARENTS CONTINUED CONTACT FOR A WEEK WITHOUT OUR KNOWLEDGE AND FINALLY CONVINCED HIM TO LEAVE AT ANY PROBLEM AND THEY WOULD TAKE HIM IN. SO HE DID. AFTER HOURS OF COACHING AND PROMPTING AND INTIMIDATING HIM, INCLUDING TELLING HIM A SUICIDE THREAT WOULD BE CONVINCING, THEY HAD THIS BOY SO CONFUSED THAT HE WAS READY TO AGREE THAT ANYTHING WAS ABUSE. WHEN THEY TURNED HIM OVER TO JUVENILE OFFICERS AND SOCIAL WORKERS, THESE PEOPLE JUST PICKED UP WHERE THE GRANDPARENTS LEFT OFF. SOME OF THE OFFICIALS IN THE SYSTEM ALSO PROMPTED HIM TO SAY AND DO CERTAIN THINGS TO GET OUT OF THE HOME! ON THE WAY TO THE HOSPITAL TO BE EVALUATED BECAUSE OF THE SUICIDE THREAT, HE SAID TO HIS PARENTS **"THERE'S A TORNADO IN MY HEAD"**.

FROM THE ONSET OF THESE MEETINGS, EVERYONE TRIED TO BUILD A CASE AGAINST THE PARENTS RATHER THAN GET TO THE TRUTH OF THE MATTER. OUR SON WAS TOLD HE WAS ABUSED AND HE AGREED BECAUSE EVERYONE CONVINCED HIM HE WAS. HE TRUSTED THEIR JUDGEMENT AND PROMISES THAT HE WAS DOING THE RIGHT THING AND THEY WOULD HELP HIS FAMILY.

IN THE POLICE REPORT GENERATED AND CONTAINING ONLY 5 DIRECT QUOTES BY AARON, 3 QUOTES ARE TRUE, BUT OUT OF CONTEXT, 1 HE NEVER SAID AT ALL, AND 1 HE ADMITS WAS A LIE. YES, I AM ADMITTING TO YOU OUR SON LIED AND MADE THE SITUATION WORSE THAN IT ALREADY WAS. SRS, HOWEVER, WILL TELL YOU THAT CHILDREN **NEVER LIE**. THEREFORE, SRS INTERVENTION IS ALWAYS JUSTIFIABLE WHEN THEY BASE THEIR CASE SOLELY ON A CHILDS OR YOUTHS TESTIMONY. THE REST OF THE 8 PAGE REPORT, IS NOT QUOTES BUT RATHER THE INTAKE OFFICER'S INTERPRETATION OF WHAT WAS SAID. IT CONTAINS NO LESS THAN **17 TOTALLY FALSE STATEMENTS AND 22 DISTORTIONS AND EXAGGERATIONS**. (I.E. REPORT: "AARON STATED HE STARTED TO CUT HIS WRIST (SHOWED A 1/4" -1/3" SCAR ON RIGHT WRIST)-BUT HE GOT SCARED & STOPPED." THIS IS TOTALLY FALSE AND ONE OF THE MOST DISTRESSING STATEMENTS IN THE REPORT--THERE IS NO SCAR! AN ATTEMPT WAS NEVER MADE! REPORT: "AARON SAID HE HAD BEEN THINKING ABOUT KILLING HIMSELF FOR THE LAST HALF MONTH OR SO. AARON SAID HE HAD BEEN THINKING ABOUT THIS ON A DAILY BASIS." THESE STATEMENTS ARE TOTALLY FALSE, AARON NEVER SAID THEM. REPORT: "AARON SAID HIS FATHER HAD HIT HIM IN THE FACE WITH HIS FISTS ON THREE OCCASIONS." THIS INCIDENT WAS ONE OCCASION WHEN

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HIS FATHER ATTEMPTED TO CORRECT HIM (AND NEVER ACTUALLY STRUCK HIM) FOR BEING DISREPECTFUL AND DISOBEDIENT AND AARON SAID HE HAD PROVOKED HIS FATHER.) ALSO, THE NATURAL AFFECTIONS BETWEEN FATHER AND DAUGHTER, AND BROTHER AND SISTER HAVE BEEN TWISTED INTO THE GROSSEST SEXUAL ISSUES.

SRS MADE THEIR CASE AND CONTINUED TO INTERROGATE OUR SON BASED ON THIS LUDICROUS AND ERRONEOUS REPORT. AT NO TIME DURING THIS PROCESS DID ANYONE IN THE SRS SYSTEM OR POLICE DEPARTMENT QUESTION THE VALIDITY OF ANY OF THE ALLEGATIONS. WE BELIEVE THAT, HAD A **FULL INVESTIGATION** BEEN CONDUCTED THE ALLEGATIONS WOULD HAVE BEEN DROPPED, IMMEDIATELY. BY FULL, WE MEAN **ALL OTHER FAMILY MEMBERS** AND FRIENDS OF 10 AND 20 YEARS BE INTERVIEWED; AND ALSO, A CHECK OF OUR FAMILY'S PRIOR INVOLVEMENT WITH JUVENILE AUTHORITIES, LAW ENFORCEMENT, OR SRS. IN OUR 20 PLUS YEARS OF BEING KANSAS RESIDENTS, THERE IS NONE!

SRS TERMINATED HOME VISITS IN NOVEMBER, 1991, AFTER 2 MONTHS OF CONTINUING THE DAMAGE ALREADY BEGUN BY OTHERS AND, **ONLY BY THE GRACE OF GOD**, OUR FAMILY IS STILL INTACT. BUT MANY OTHERS DO NOT SURVIVE SUCH AN EXPERIENCE. IN LINN AND MIAMI COUNTIES, 11 OR 12 FAMILIES IN SIMILAR SITUATIONS WHO HAVE LOST OR ARE LOSING THEIR CHILDREN HAVE CONTACTED US. SEVERAL OTHERS HAVE REPORTED ABUSE AND SRS HAS DONE NOTHING. WE HAVE A PROBLEM OF EPIDEMIC PROPORTIONS IN KANSAS OF INJURED AND ABUSED FAMILIES BY THE SYSTEM WHOSE GOAL IT IS TO PROTECT AND PRESERVE FAMILIES. IN KANSAS 90% OF REPORTED CASES ARE UNFOUNDED.

THIS BILL NEEDS SEVERAL CHANGES TO DEFINE ABUSE AND NEGLECT IN A CLEARCUT FASHION SO AS NOT TO LEAVE THE INTERPRETATION UP TO AN INDIVIDUAL SOCIAL WORKER. MILD BRUISING AND SCRAPES THAT EVERY CHILD ACQUIRES IN THE COURSE OF NORMAL LIVING SHOULD NOT BE DEFINED AS INJURY. NEGLECT SHOULD BE DEFINED AS **WILFULL** FAILURE TO PROVIDE THE ESSENTIALS OF LIFE. MENTAL AND EMOTIONAL MALTREATMENT SHOULD NOT BE INCLUDED BECAUSE IT IS SO SUBJECT TO BIASES OF MENTAL HEALTH "PROFESSIONALS" AND CHILD SAVERS THEMSELVES TEND TO WREAK EMOTIONAL HAVOC WHEN THEY INTERVENE. REMEMBER MY SON'S COMMENT "**THERE'S A TORNADO IN MY HEAD?**" THERE WAS NO TORNADO WHEN HE LEFT HOME! SEXUAL ABUSE SHOULD NOT BE ASSUMED, BUT MUST BE PROVEN AS SEXUAL CONDUCT. AFFECTION AND DIAPER CHANGING SHOULD NOT BE VIEWED WITH SUSPICION. EDUCATIONAL NEGLECT SHOULD BE ELIMINATED, INCLUDING CONTROVERSIES OVER HOME SCHOOLING. THE NATIONAL ASSOCIATION OF PUBLIC CHILD WELFARE ADMINISTRATORS SAYS THAT THIS IS THE PRIMARY CONCERN OF EDUCATIONAL AUTHORITIES. **ALL INTERVIEWS SHOULD BE TAPE RECORDED WITHOUT EXCEPTION, OR BETTER YET, VIDEO TAPED.**

THIS ALL HAPPENED 6 MONTHS AGO AND WE HAVE YET TO SEE ANY ACTION TAKEN TO CORRECT THE ERRORS.

(COPIES OF FORMAL COMPLAINTS TO DONNA WHITEMAN AND OTHERS AVAILABLE UPON REQUEST.)

THANK YOU.

15-2/2

STATISTICS

presentation by
Stan Wollard
OPPONENT

FY 1993 STATE BUDGET:

\$45 Million spending on Foster Care (13,450 Children) Vol.1,p51,p49
\$ 3 Million spending on Family Preservation Vol.1,p56

FY 1993 Special Committee on Children's Initiatives:

- o Kansas is spending over \$ 1 Billion in state & federal funds for children's programs & only 6% is targeted for family programs. p34
- o Children in custody of SRS has increased 28% since 1985. p54
- o Kansas ranks 7th in the U.S. in the rate of juvenile incarceration. p54
- o Consider Race and Origin of Kansas Children in 1990 is as follows: p11

White:	87.1%
Black:	7.3%
Asian	1.5%
Native American:	1.1%
Hispanic	5.6%

- o Then consider the alarming statistics that since 1980 the number of children by race or ethnic group in SRS custody increased as noted below: p20

Black children by	74 %
Hispanic by	88 %
Native American	41 %
Asian American	26 %
White	4 %

FY 1993 Task Force on Social & Rehabilitation Services:

- o During the period 1980 to 1985 professional field staff decreased 24%. p63
- o Foster Care budget in FY 1987 has grown 109% to nearly \$ 48 Million in FY 1992. p63
- o Subcommittee initiative from reactive to proactive... p51
- o *"It has become clear, that, as the result of an overloaded child protection delivery system, Kansas has placed far too many children in the foster care system and far too little emphasis on family preservation services that provide a safe alternative to out-of-home placement and that may, in turn, harm the very children it seeks to protect."* p63

Oppose SB 689 in its present form:

- o *This bill needs clear definitions of abuse that will stand up to accurate field interpretation.*

Stanley W. Wollard
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913 898-6552

*Senate Judiciary Committee
March 26, 1992
Attachment 16*

P.O. Box 89
El Dorado, KS 67042
3-24-92

Senator Wint Winter, Jr., Chairman
Senate Judiciary Committee
Topeka

Re: SB 689

Dear Senator Winter and Judiciary Committee:

I am suggesting that in line 34 of page 13, that shall offer services be substituted for may offer services.

Paragraph (d) beginning on line 37 of page 13 and ending on line 1 of page 14 is not adequately written and I do not believe it expresses the intent of the Committee: a belief ~~to~~ on the part of the Department that a child or other children in the same care "may be" in need of protection is simply not reasonably sufficient grounds for "filing a petition alleging that the child is in need of protection."

To achieve what appears to be the intent of the Committee, I would suggest the following:

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" (d) If the family refuses any offered services, and the department believes the child or other children in the same care to be in need of protection as defined in subsection (a) of K.S.A. 38-1502 and amendments thereto, the department shall refer the matter to the county or district attorney for the purpose of the filing of a petition for protection of the child or children in accordance with K.S.A. 38-1510 and amendments thereto. "

The rewriting of (d) as I have proposed it also eliminates certain difficulties in the bill with respect to inconsistencies in singular/plural usage, particularly in page 13, lines 38 and 39; and, in lines 43 (and also line 1, page 14),

as you know, there are literally thousands of Kansas families found "eligible for service" (roughly the equivalent of "in need of service") yearly. A very small percentage of these are later found to be "confirmed" child abusers or neglectors. I think SB 689 should first, as I have proposed, mandate the department to offer such services as are available within the limits of appropriation, and the family should be able to voluntarily accept or refuse those services. Then, the department should carefully

and conscientiously form a "belief" whether or not the child or children is (are) in need of protection under the "substantial risk of imminent harm" language of K.S.A. 38-1502. If so, a referral should be made to the County or district Attorney. If not, no such referral should be made. The absence of a referral should not preclude the department from making an inquiry or assessment on one or more subsequent occasions even when a petition is not filed, to make sure ^{that} borderline cases with respect to the "substantial risk" standard do not deteriorate undetected into the "substantial risk" class.

If every case in which services were offered and refused were to be referred to the County or district attorney on the basis of a possible or "may be" "at-risk" assessment, which is what the bill as proposed seems to require, the SRS departments and Courts and guardians ad litem and so on would be so overwhelmed with petitions that adequate services and attention could not possibly be given to those children clearly at substantial and imminent risk, as defined by an informed "belief" on the part of the Child protective personnel involved.

I must say, also, that the sections 6, [(3) (c) and (d)] seem to be unnecessarily coercive, in that the department is not mandated to offer services even when services are needed: But, if it does offer services and the family refuses, the family is almost automatically labeled, via the "may be" clause as one concerning whom the presumption of neglect or abuse is assumed - so much so that a petition ~~will~~ ^{even} be filed in the absence of a reasonable belief that substantial and imminent risk actually exists.

There are several troublesome aspects of this bill, including provisions for "residential service"; the granting of immunity from liability for civil rights violations, denied by a recent U.S. Supreme Court decision; the elimination of the language taking into account neglect due to poverty alone; and a Tenor throughout emphasizing the power and arrogance of the state on the one hand and the ^{disregard of family} dignity, and denial of due process and civil rights to families and the lower socioeconomic classes on the other. If this serves the interests of children I cannot see how.

Sincerely yours,
Tom White

Rm 12

P.O. Box 89
EL DORADO, KS 67042
3-23-92

CHAIRMAN JOHN SOLBACH
HOUSE JUDICIARY COMMITTEE
TOPEKA

RE: SB 689

DEAR MR. CHAIRMAN:

I AM RESIDING TEMPORARILY AT CONCORDIA MISSOURI AND AM AWAY FROM MY REFERENCES AND WORD PROCESSOR, BUT NONETHELESS WANT TO CALL YOUR ATTENTION TO A SUBSTANTIVE DEFECT IN THIS BILL, NAMELY, PAGE 14, LINES 12 THRU 21. A RECENT ^{US} SUPREME COURT DECISION IN THE CASE OF AN EMPLOYEE OF THE STATE OF PENNSYLVANIA VS A PENNSYLVANIA COMMISSIONER HELD THAT STATE OFFICIALS (EMPLOYEES, ETC) MAY BE HELD LIABLE AS INDIVIDUALS, AND SUED FOR MONETARY DAMAGES, IF THEY VIOLATE THE CIVIL RIGHTS OF OTHERS EVEN THOUGH THEY ARE ACTING IN OFFICIAL CAPACITIES. THE STATE OF KANSAS CANNOT GRANT IMMUNITY WHICH IS FORBIDDEN BY THE U.S. SUPREME COURT. IT IS NOT NECESSARY FOR ONE TO ACT WITH MALICE IN VIOLATING ANOTHER'S CIVIL RIGHTS, WHICH THE SECRETARY (OF KS SRS) REGULARLY DOES, AND ~~WHICH~~ WHICH SRS "PROTECTIVE WORKERS" REGULARLY DO. UNTIL NOW, THESE VIOLATIONS HAVE OCCURRED WITH BOTH IMPUNITY AND IMMUNITY. THE RECENT SUPREME COURT DECISION 17-54 OPENS THE DOOR TO A POTENTIAL FLOOD OF SUITS. SB 689 SHOULD NOT OBSCURE THE SITUATION. Thomas White

316-321-3438
OR 816-463-2766
P.O. Box 89

El Marado, KS 6704-
3-20-92

Dear Senators Kanan and Eulich: (Sen. Eulich, Chairman)
Senate Public Health & Welfare Committee
State House
Topeka

Re: Senate Bill No. 689
"An Act Concerning Child
abuse or neglect"

Dear Senators:

Please refer to page 29, lines
25 through 30, of SB 689. Someone able to
do so should point out to the Committee on
Judiciary that "leaving a copy in a conspicuous
place at the usual place of residence of the person
named therein at least 48 hours prior to the
hearing for which the summons, notice, or
other process is issued" does not constitute,
by reasonable standards, effective service
of notice. Many people in the transportation
and other industries, traveling sales people,
people who may be out of town on business, or
people on vacation or attending to extended
family affairs might fail thereby to
receive notice; and the matters concerned
is too crucial to leave to haphazard
service. Secondly, a document left in a
"conspicuous place" may too easily be
blown away or carried away by children
or animals. In addition, at many rural
residences the front entrance is virtually
unused, and papers left there could easily be

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omitted.

Notice by "leaving a Copy" would invite careless disposition of the papers, and would provide no method of documentary verification or verification by witnesses that a sincere effort had been made to achieve service of notice.

I think it may well be unconstitutional to make a custody decision in the absence of an appearance by a parent or his or her attorney when "service" has been completed by simply leaving a document somewhere on the premises of a residence believed to be the "usual place of residence" of the person named in the document being served.

This appears to be yet another trick of the Judiciary Committee and the SRS to hold custody hearings without the parents or ^{their} attorneys being present, and I cannot believe that it is the intent of the Kansas Legislature that this be done.

Thank you.

Copy: Rep. Sobach ✓

Sincerely yours,
Thomas A. White
LMSW, Ph.D.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Donna Whiteman, Secretary

Committee on the Judiciary
Wint Winter, Jr., Chairperson

Testimony in Regard to S.B. 689
March 26, 1992

AN ACT concerning child abuse or neglect, amending K.S.A. 21-3612, 38-501, 38-505, 38-506, 38-511, 38-523, 38-553, 38-1303, 38-1504, 38-1505, 38-1510, 38-1513, 38-1519, 38-1520, 38-1521, 38-1525, 38-1526, 38-1529, 38-1531, 38-1533, 38-1534, 38-1553, 38-1555, 38-1556, 38-1562, 39-713c, 65-503, and K.S.A. 1991 Supp. 38-1502, 38-1503, 38-1512, 38-1522, 38-1523, 38-1523a, 38-1524, 38-1527, 38-1528, 38-1542, 38-1563, 38-1583, 39-708c, 60-460, 60-1610, 65-516, 72-962, 72-1113, and 76-6b04 and repealing the existing sections.

Mr. Chairperson, Members of the Committee, I am appearing today in support of S.B. 689 which is a major revision of the Kansas Code for the Care of Children. The bill provides for the provision of services to families struggling to meet the needs of their children in ways that empower the parents and preserve the family. The recommended changes continue and strengthen the ability of the state to intervene in cases where abuse or neglect are alleged but avoid disruption of families by unnecessary and unwise interference in parental custody as a means to obtain services.

Background:

The current code became effective in January, 1983 and has served Kansas well. From the beginning of the code there was recognition that children who commit acts which are prohibited by children but not by adults (status offenses) and children who have been abused or neglected by others were distinguishable. This recognition is evidenced by the fact that when individuals are confirmed as having abused or neglected a child, they are then barred from certain occupations which provide care for children (K.S.A. 65-516); when children are removed from parental authority for reasons other than abuse or neglect, however, the parents are not limited in their contact with children.

Discussion:

The code revisions being recommended after ten years experience stand for the proposition that parents who are not abusive or neglectful deserve more than simply being exempt from the consequences set out in K.S.A. 65-516. They deserve to be spared the stigma of child in need of care proceedings and the loss of custody. They deserve support and assistance in providing their children with a home, with limits, and with care. If the parents are willing and, with some assistance, able to care for their children, the system should be structured to support them.

Therefore K.S.A. 38-1502 has been modified to distinguish children who have or are likely to be abused or neglected from children whose behavior indicates a family in need of services. For children in need of protection from abuse or neglect at the hand of those responsible for their care, state intrusion into the family and the consequent curtailing of parental authority is justified and necessary. Senate Bill 689 defines a child in need of protection as one under 18 who "has been physically, emotionally or sexually abused by a parent, custodian, or caregiver", has been placed for adoption in violation of the law,

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Attachment 18 1/4

abandoned, or run twice from a court ordered or designated placement (K.S.A. 38-1502(a)). Physical, mental/emotional abuse, sexual abuse and neglect are precisely defined from a child-centered focus.

The bill defines a family as in need of services when one or more of the children are truant, a status offender, less than 10 and involved in illegal behavior, runaway or otherwise out of control (K.S.A. 38-1502(b)). K.S.A. 72-1113 has been amended to delete truancy referrals to the county or district attorneys. Since truancy may indicate a family is in need of services, referrals will be received by SRS for inquiry and assistance.

For children in need of protection the full use of the *parens patriae* power of the state is still accessible (K.S.A. 38-1524). When, however, the parents are struggling to do an adequate job and cannot continue to cope without assistance, the state agency would be empowered to offer assistance. We have learned in the past ten years that removing children from the custody of their parents in order to provide services is not a good solution for the child or the family. If the parents are unable or unwilling to avail themselves of the services offered, a child in need of protection petition could than be initiated.

Passage of this bill is consistent with the requirement of both state and federal law that "reasonable efforts" be made to avoid unnecessary placements of children away from their families. The Kansas statutes require that prior to the court authorizing an out-of-home placement of a child, the court must make a finding regarding reasonable efforts (K.S.A. 38-1543, 38-1563). Federal law requires judges to determine whether reasonable efforts have been made to enable children to remain safely at home before they are placed in foster care (P.L. 96-272). Such efforts are a required element of each state's Title IV-E state plan and are a condition of federal funding for individual foster care placements (42 U.S.C. 671(a)(15) and 672(a)(2)).

Two minor amendments have been suggested to increase clarity of the bill. At line 14 on page 3 it is suggested that the religious practice exclusion statement be amended to add the words "or abusive" so that the phrase reads "... shall not for that reason be considered a negligent or abusive parent;" in order to preclude a finding of abuse when a finding of neglect is barred by this passage.

Line 43 of page 3 should add to (b)(4) the words "or is otherwise without the control necessary for the child's physical, mental or emotional health." This would clarify that families in which children are "out of control" are families in need of services.

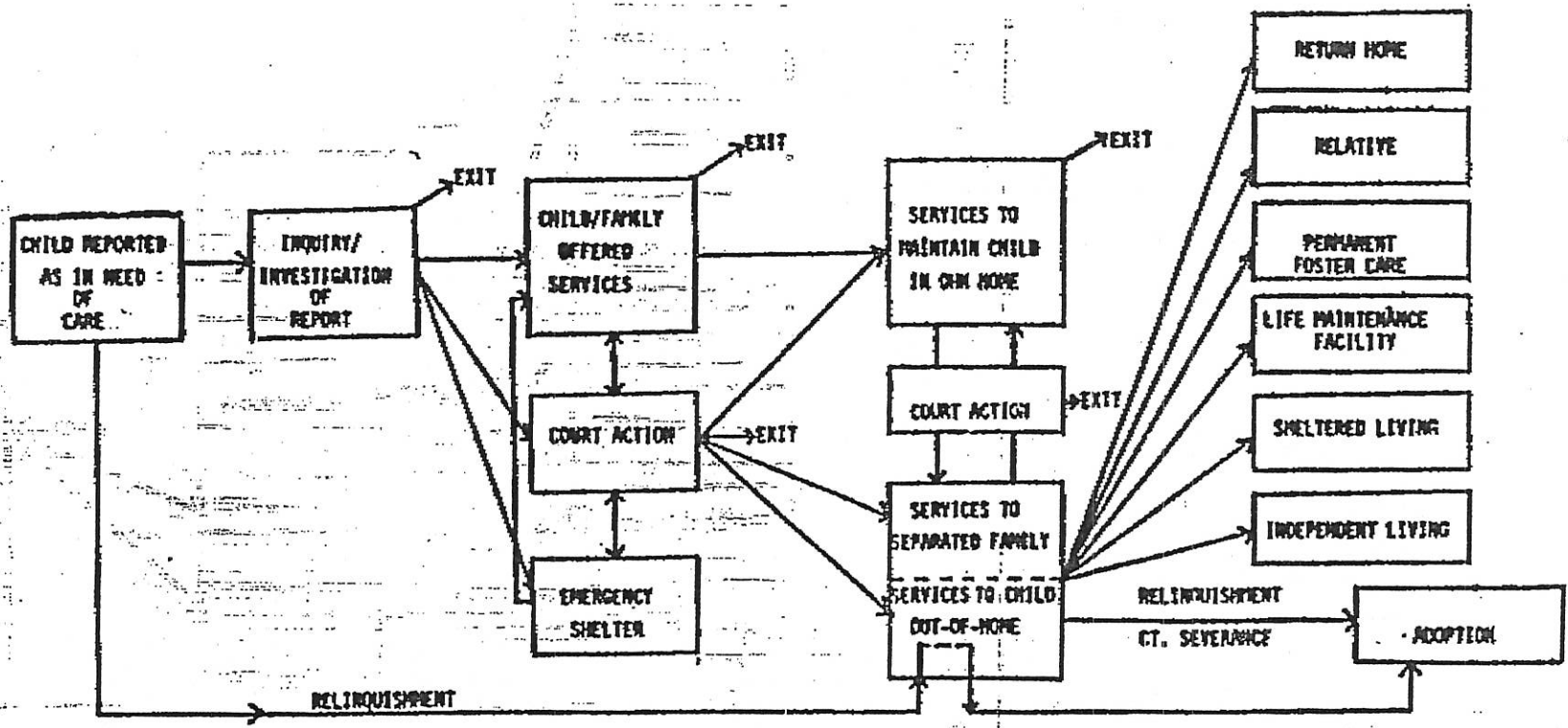
The Department has no objection to these changes.

Recommendation:

The Department of Social and Rehabilitation Services strongly endorses S.B. 689 and urges the committee to recommend it for passage.

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

YOUTH SERVICES PLANNING DOCUMENT
 CONTINUUM
 CHILDREN IN NEED OF CARE

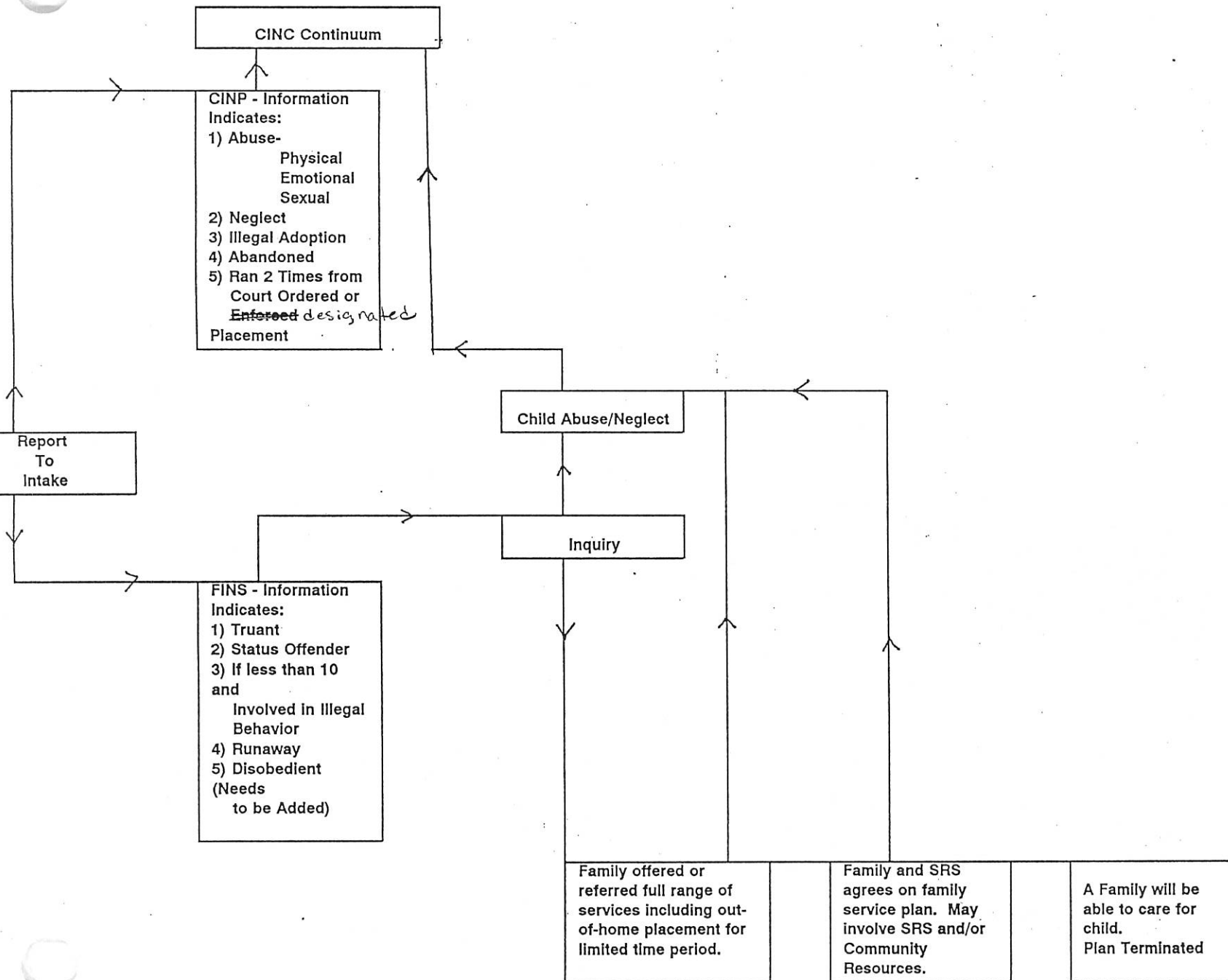


18-3/4

CONTINUUM CHILDREN IN NEED OF PROTECTION OR FAMILIES IN NEED OF SERVICES

02-24-92

18-4/4



Balloon received from
Carolyn Risley-Hill
3-26-92

1 an imminent risk of harm and includes the failure of the parent,
2 custodian or caregiver to: (i) Provide the child with food, clothing
3 or shelter necessary to sustain the life or health of the child; (ii)
4 provide adequate supervision of a child or to remove the child from
5 a situation that requires judgment or actions beyond the child's level
6 of maturity, physical condition or mental abilities and that results
7 in bodily injury or a substantial risk of imminent harm to the child;
8 or (iii) use resources available to treat a diagnosed condition if such
9 treatment will make a child substantially more comfortable, reduce
10 pain and suffering, correct or substantially diminish a crippling
11 condition, lengthen the life span or prevent the condition from wors-
12 ening. A parent legitimately practicing religious beliefs who does not
13 provide specified medical treatment for a child because of religious
14 beliefs shall not for that reason be considered a negligent parent;
15 however, this exception shall not preclude a court from entering an
16 order pursuant to subsection (a)(2) of K.S.A. 38-1513 and amend-
17 ments thereto;

or abusive

18 (E) "sexual abuse" means any contact or interaction between
19 parent, custodian or caregiver and the child, in which the child is
20 being used for the sexual stimulation of the perpetrator, the child
21 or another person. Sexual abuse includes allowing, permitting or
22 encouraging a child to engage in prostitution or to be photographed,
23 filmed or depicted in obscene or pornographic material;

- 24 (2) has been placed for care or adoption in violation of law;
- 25 (3) has been abandoned or does not have a known living parent;
- 26 (4) is willfully and voluntarily absent at least a second time from
27 a court ordered placement or designated placement, or a placement
28 pursuant to a court order, if the absence is without the consent of
29 the person with whom the child is placed or, if the child is placed
30 in a facility, without the consent of the person in charge of such
31 facility or such person's designee.

32 (b) "Family in need of services" means a family wherein one or
33 more children:

- 34 (1) Are not attending school as required by K.S.A. 72-977 or 72-
35 1111 and amendments thereto;
- 36 (2) does an act which, when committed by a person under 18
37 years of age, is prohibited by state law, city ordinance or county
38 resolution but which is not prohibited when done by an adult;
- 39 (3) while less than ten years of age, commits any act which if
40 done by an adult would constitute the commission of a felony or
41 misdemeanor as defined by K.S.A. 21-3105 and amendments thereto;
- 42 (4) is willfully and voluntarily absent from the child's home with-
43 out the consent of the child's parent or other custodian,

or is otherwise without the control necessary for the
child's physical, mental or emotional health.

Senate Judiciary Committee
March 26, 1992
Attachment 19

March 25, 1992

Chairperson Senator Wint Winter
Senate Judiciary Committee
State Capitol Building
Topeka, KS 66612

Senator Wint Winter, committee members, and staff:

Thank you for your efforts to improve state legislation protecting Kansas children.

Please reject Senate Bill No. 689.

This bill is extremely dangerous to Kansas children and Kansas families. As currently written, the first 3 pages empower the SRS to remove a child from his home if physical harm, emotional harm, or risk of harm to the child occurs.

Therefore, there is sufficient reason for SRS to remove a child from his home if he is injured with a sticker in his finger, if he is emotionally upset by being made to sit on a chair for punishment, or if he is carried in a vehicle that risks harm -- such as a car (car accidents are very common and dangerous to children).

This bill gives unlimited powers to the SRS and therefore is extremely dangerous.

Please reject this dangerous bill without delay.

Sincerely,

Glen Burdue

Glen Burdue
741 N. Clara
Wichita, KS 67212-2661
(316) 943-8880

Senate Judiciary Committee

March 26, 1992

Attachment 20

March 25, 1992

Chairperson Senator Wint Winter
Senate Judiciary Committee
State Capitol Building
Topeka, KS 66612

Senator Wint Winter, committee members, and staff:

Thank you for your efforts to improve state legislation protecting Kansas children.

I encourage you to pass House Bill 2987 to establish **citizen review boards**.

The bill should be passed but a few simple changes to it would make it a much better bill. My suggestions are as follows:

Page 1, Line 25 and 26: revise to "The **county commission** of the judicial district shall appoint three to seven citizens...."

Reason: This change to have the review board selected by a committee will result in greater fairness and impartiality in selections than would occur when a single person makes the decisions.

Page 1, Line 25 and 26: add "The openings for positions on the review board will be advertised approximately 30 days and also 15 days before the selection is to be made. The advertisement will include a brief description of duties. The advertisement will be placed in at least one of the two highest circulation newspapers in the judicial district."

Page 1, Lines 31 and 32: revise to "The term of appointment shall be two years and members may be reappointed for a maximum of two consecutive terms."

Reason: We must get new people and new ideas involved on a regular basis. After 2 consecutive terms, the board member will rest for one term before being eligible again.

Page 1, Line 36: revise to "meet more frequently if the number of cases to review requires such meetings."

Reason: The board should be allowed to meet as frequently as they consider necessary for urgent cases.

Page 1, line 40a: add: "(g) before being seated, each board member must pass a psychological examination by a psychologist licensed to practice in the state of Kansas. This examination will be for the purpose of qualifying that person as having no serious psychological or emotional problems."

Page 2, lines 29 to 31: revise to "New Sec. 3. (a) On or before July 1, 1993, every judicial district shall have appointed a local citizen review board. Those appointed before that date shall have all rights and duties as defined in this act with the exception of funding, staff, office space, supplies, and equipment. These items may be provided by any state office, individual, or organization until this effective date at which time they will be funded as specified elsewhere in this act."

Page 2, lines 32 to 33: revise to "On and after July 1, 1995, every child under the supervision of the court...."
delete: "subject to appropriation acts"

Reason: Many children and families are being abused by the current state system. These boards must be given the freedom and authority to begin their work immediately to protect children. Funding can be delayed, but the boards must be empowered to immediately begin if private funding is available.

This is a very good bill and should be made effective immediately to begin protecting Kansas children and collecting data to indicate the degree of need for change to the current system.

Sincerely,



Glen Burdue
741 N. Clara
Wichita, KS 67212-2661
(316) 943-8880

DOEREN LIGHTING

ROGER D. DOEREN, IES, EA
LIGHTING DESIGN & CONSULTATION

5516 MISSION ROAD, FAIRWAY, KS 66205-2721
P.O. BOX 2666, SHAWNEE MISSION, KS 66201-2666
OFFICE: (913) 831-0190 FAX: (913) 831-0943

Date: February 17, 1992

Page 1 of 7

HOUSE BILL No. 2691

By Special Committee on Children's Initiatives

MY MISSION STATEMENT:

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

Senate Judiciary Committee
March 26, 1992
Attachment 21

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

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

THESE ARE SOME OF THE BOOKS THAT I HAVE RESEARCHED:

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

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

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

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

THESE ARE SOME OF THE PEOPLE THAT I HAVE INTERVIEWED:

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

Representative Michael R. O'Neal, Judiciary Committee, Ranking Minority.
Representative Tom Thompson, Energy and Natural Resources Committee.
David King, Executive Vice President, Sprint/United Telecom.

Bernice Weissbourd, Co-founder of PARENT ACTION; Director, Family Focus, Inc.; Director, The Family Resource Coalition; Editor, PARENTS Magazine; Director, The National Association for the Education of Young Children (NAEYC).

Rosalie Street, Executive Director, PARENT ACTION.

Richard Wilson, Director of Publicity, PARENT ACTION.

Dr. T. Berry Brazelton, Founder, PARENT ACTION; Commissioner on the National Commission on Children.

Adele Hall, Life Board Member, Children's Mercy Hospital, Kansas City, Missouri; Chairperson of The Greater Kansas City Community Foundation and Affiliated Trusts/United Way; Commissioner on the National Commission on Children.

Polly Dement, Communication Director, National Commission on Children.

Dr. Nicholas Zill, Director, Child Trends.

Nancy Snyder, Research Analyst, Child Trends.

David L. Levy, Esq. President, The National Council for Children's Rights (NCCR).

Anne Milne, Executive Director, Association of Family and Conciliation Courts (AFCC).

Dr. Isolina Ricci, Ph.D., Author: "MOM'S HOUSE, DAD'S HOUSE";
Administrative Office of the Court, Judicial Counsel of California.

Dr. Lee Salk, Author: "Creating Positive Relationships After Divorce".

Heather Mertz, Secretary to James A. Pocock, Director, Friend of the Court, Ingham County, Lansing, Michigan.

Dr. Mavis Hetherington, Ph.D., Researcher, The University of Virginia.

Dr. Robert Emery, Ph.D., Author & Researcher, The University of Virginia.

Susan Stubbe, Assistant to James P. Steyer, Founder and President of Children Now.

Jeanne Trumble, Assistant to Jan Kramer, President of The Greater Kansas City Community Foundation and Affiliated Trusts/United Way.

Mary Ann Gabel, Executive Director, Behavioral Science Regulatory Board.

Carol Roeder-Esser, L.S.C.S.W., Johnson County Mental Health Center.

Helen Swan, M.S.W., Author: "Alone After School" & "I'm In Charge".

Mary Roush, Family Therapist, referred by John Bradshaw.

Jean Pierce, Board President, CASA (Court Appointed Special Advocate).

Jan Woodford, Director, CASA (Court Appointed Special Advocate).

Johanna Bryant, Kansas Action for Children.

Penny Fry, Director, Kansas Children's Service League.

Barton S. Blond, Attorney.

Chuck Carlsen, President, Johnson County Community College.

Date: February 17, 1992

Page 7 of 7

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

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

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

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

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

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

Sincerely,



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

I AM A MEMBER OF THE FOLLOWING ORGANIZATIONS:

PARENT ACTION

THE NATIONAL COUNCIL FOR CHILDREN'S RIGHTS (NCCR)

ASSOCIATION OF FAMILY AND CONCILIATION COURTS (AFCC)

21-7/7

ONE MOTHER'S TRAGIC FACTS: MISCARRIAGE OF JUSTICE
WITH THE STATE OF KANSAS AND SRS

MY NAME IS ELISA MARIE BREITENBACH. MY SON AND DAUGHTER WERE PLACED IN SRS CUSTODY DURING A WAR-LIKE DIVORCE WHEN THEY WERE 4 AND 8 IN FEBRUARY 1984. I LEFT MY HUSBAND BECAUSE OF 12 YEARS OF FAMILY VIOLENCE. THE OVERLAND PARK POLICE CHIEF TOLD ME TO MOVE OUT OF OVERLAND PARK BECAUSE THEY COULD NOT PROTECT MY FAMILY FROM THE VIOLENCE. I MOVE TO MERRIAM. EIGHT SCHOOLS TOLD ME THEY WOULD NOT ENROLL MY DAUGHTER: NIEMAN ELEMENTARY, WEST ANTIOCH, MERRIAM ELEMENTARY, CRESTVIEW, FLINT ELEMENTARY, EAST ANTIOCH, MORSE ELEMENTARY, QUEEN OF THE HOLY ROSARY. IT WAS ST. JOSEPH CATHOLIC SCHOOL THAT DID ACCEPT HER. THE SCHOOL COUNSELOR TOLD ME SHE FELT SHE HAD BEEN ABUSED BY HER FATHER. THREE DAYS LATER MY SOON-TO-BE EX-HUSBAND GOT CUSTODY OF MY CHILDREN BECAUSE HE TOLD THE COURTS I WAS SUICIDAL. I WAS TAKEN TO K.U. HOSPITAL AGAINST MY WILL AND HELD FOR THREE DAYS.

I WAS LABELED "MANIC DEPRESSIVE." I WANTED A SECOND OPINION; I WAS TOLD THAT I WAS NOT MANIC DEPRESSIVE. SRS DID NOT BELIEVE IT, SO I WENT THROUGH ANOTHER EVALUATION; THEY DIDN'T BELIEVE IT EITHER. I WENT THROUGH FIVE OTHERS; THEY DIDN'T WANT TO BELIEVE ANY OF OF THEM. JULY 1, 1991 I WENT BACK TO THE FIRST DOCTOR WHO LABELED ME "MANIC DEPRESSIVE AND WENT THROUGH ANOTHER EVALUATION. HE NOW BELIEVES I AM NOT AND WAS NOT MANIC DEPRESSIVE.

Senate Judiciary Committee
March 26, 1992
Attachment 22 1/23

WHEN MY ESTRANGED HUSBAND TOOK OUR DAUGHTER TO HER OLD SCHOOL, INDIAN VALLEY, AFTER I WAS PLACED IN K.U., THE SCHOOL MADE A HOT LINE REPORT ON HIM. THE CATHOLIC SCHOOL COULSELOR NEVER REPORTED IT EVEN THOUGH IT IS MANDATED BY LAW TO DO SO.

THE CHILDREN WERE THEN PLACED IN FOSTER CARE. I WAS FORCED TO PAY SRS TO KEEP MY CHILDREN FROM ME. THEY ALSO PUT MY DAUGHTER UNDER HYPNOSIS. A FEW WEEKS LATER ANOTHER CHILD CAME FORWARD AND TOLD THE POLICE SHE HAD BEEN ABUSED BY MY HUSBAND. MY HUSBAND LATER ADMITTED TO THE COURT HE HAD ABUSED THE OTHER CHILD. FOR THAT CRIME, HE KNEW HE WOULD SERVE TIME IN PRISON. ONE WEEK BEFORE OUR DIVORCE WAS TO BE MADE FINAL AND A FEW WEEKS BEFORE HE WOULD START SERVING TIME, HE TOLD SEVERAL OFFICIALS I ABUSED MY SON WHEN I CHANGED HIS DIAPERS AS A BABY; NOTHING HAPPENED WITH THOSE ALLEGATIONS. FOURTEEN MONTHS LATER SRS RECEIVED A CALL FROM THE FOSTER MOTHER OF ALLEGATIONS OF ABUSE. THEY HAD A SERIES OF INTERVIEWS WITH MY SON ALL IN THE SAME DAY.

MY SON WAS PUT IN A SITUATION WHERE HE WAS INTIMIDATED BY ALL OF THESE ADULTS WHO WERE ASKING HIM LOTS AND LOTS OF LEADING AND SUGGESTIVE QUESTIONS. INITIALLY, HE KEPT STATING THAT NOTHING HAD HAPPENED; HE TOLD THEM THERE WASN'T ANYTHING WRONG.

AFTER THE FIRST INTERVIEW WAS CONCLUDED AND TERMED TO BE NON-PRODUCTIVE, MY SON LEFT WITH THE FOSTER MOTHER AND AT SOME POINT IN TIME RETURNED TO TALK WITH HIS SRS THERAPIST WHO IS NOT LICENSED IN KANSAS. THAT INTERROGATION WAS NOT RECORDED. HOWEVER, ONCE THE TAPE RECORDER WAS TURNED ON, SRS WORKERS, SRS THERAPIST, AND A DETECTIVE FROM THE POLICE, THE INTERROGATION WAS RESUMED. MY SON WAS ASKED ANOTHER WHOLE SERIES OF LEADING AND

SUGGESTIVE QUESTIONS. THIS WAS THE INTERVIEW THAT BASICALLY PROVIDED MY SON ALL THE INFORMATION THE HE NEEDED TO TELL THE STORY. IN FACT, THERE WAS AT LEAST 18 DETAILS FURNISHED TO MY SON.

IT WAS THROUGH THIS SERIES OF LEADING AND SUGGESTIVE QUESTIONS THAT ALLOWED MY SON TO PARROT BACK THE STORY THAT SRS WANTED TO HEAR. WHEREAS HIS INITIAL STATEMENTS THAT NOTHING HAD HAPPENED WERE COMPLETELY PUSHED ASIDE. THROUGH REPEATED INTERVIEWS THAT TOOK PLACE ON THAT DAY AND ALSO INTERVIEWS THAT FOLLOWED FOR SEVERAL WEEKS AND BECAUSE OF THE RESPONSE BEING REINFORCED, THE STORY BECAME A SUBJECTIVE REALITY TO MY SON SO THAT HE CAME TO BELIEVE IT.

I WAS PLACED IN A CRIMINAL COURT IN JOHNSON COUNTY, KANSAS. AS I WAITED TO GO TO COURT, MY CHILDREN WERE GIVEN TO MY EX-BROTHER-IN-LAW (WITH A CRIMINAL RECORD) TO TRANSPORT THE CHILDREN TO AND FROM PRISON TO SEE THEIR FATHER. NO ONE IN MY FAMILY WAS ABLE TO SEE THE CHILDREN. THE CHILDREN WERE DENIED THE RIGHTS MOST COMMON CRIMINALS HAVE--THE PRIVILEGE OF VISITS WITH FAMILY AND FRIENDS, PHONE CALLS, AND LETTERS FROM LOVED ONES. NO ONE IN MY FAMILY HAS EVER HAD A POLICE RECORD. BEFORE I COULD MAKE IT TO CRIMINAL COURT, I WAS TAKEN TO JUVENILE COURT AND PLACED BEFORE A JUDGE PRO TEM. HE PUNISHED ME FOR HIS BELIEF OF MY INVOLVEMENT IN ANOTHER CASE FOR WHICH HE WAS GUARDIAN AD LITEM. IT TOOK ME YEARS TO OBTAIN A COPY OF A REPORT HE MADE TO PROVE ACTUAL PREJUDICE AND FRAUD ON HIS PART. I HAVE NOT HAD LEGAL SIGHT OR SOUND OF MY CHILDREN SINCE JUNE OF 1985. MY FAMILY MEMBERS HAVE ASKED TO ADOPT MY CHILDREN. MY EX-BROTHER-IN-LAW,

EDDIE, AND HIS WIFE OFFERED TO ADOPT THEM ALSO. LINDA AND JIM BUTCHER, FORMER CERTIFIED FOSTER PARENTS, HAVE ALSO ASKED TO ADOPT MY CHILDREN. THE OLATHE SRS DIRECTOR, MIKE VANLANDINGHAM, TOLD THEM ON DECEMBER 9, 1990 THAT MY CHILDREN ARE UN-ADOPTABLE.

DUE TO THE COMPLEXITY AND CIRCUMSTANCES OF MY CRIMINAL CHARGES, MY CASE WAS LABELED AN EXCEPTIONAL CASE; I WAS GRANTED TWO ATTORNEYS, DONNA M. MANNING AND DONALD SMITH. DONNA EXPENDED IN EXCESS OF 373 HOURS IN PREPARING FOR MY DEFENSE. THE CASE WAS COMPLEX, BUT AFTER THE JURY HEARD ALL THE EVIDENCE, THEY EXONERATED ME.

I HAVE DISPROVED ALL THE FALSIFICATION OF RECORDS AND TESTIMONY MADE AGAINST ME. I HAVE SPENT MY LIFE SAVINGS AND THE LAST EIGHT YEARS OF MY LIFE HOPING AND PRAYING FOR JUSTICE FOR MY CHILDREN.

CHILDREN SHOULD NOT BE SENTENCED TO EIGHT YEARS OF FOSTER CARE WHEN SO MANY LOVING FAMILY MEMBERS HAVE ASKED TO ADOPT THEM.

I AM JUST ONE MOTHER STANDING UP AGAINST THE STATE OF KANSAS. WHAT MY CHILDREN HAVE ENDURED IS UNJUST, INEXCUSABLE AND INHUMANE.

MAY GOD SPEED FOR THEM & OTHERS LIKE THEM,

Elisa Marie Breitenbach
ELISA MAIRE BREITENBACH

JUDGE PRO TEM THOMAS C. OWENS
(who severed my parental rights)

- Judge Haynes selected and appointed Thomas C. Owens as Judge Pro Tem to sever my parental rights.
- One hour before the trial began in a reclusal hearing before Judge Herbert W. Walton, we begged Judge Walton to make Owens recluse himself.
- Just a few months before he severed my parental rights, Judge Owens filed a complaint with the Johnson County Sheriff's Department. Naming me by name, it read:

"Tim believes that Elisa Cosgrove has blatantly defied all of the court's orders in this issue and is actively helping Susan remain in hiding 1-27-86 complaint: DN 98408."

- Tim was Susan's child Guardian Ad Litem.
- Herbert W. Walton was the judge on Susan's case. He had listened to Owens ranting and raving about this before another witness when Owens filed his complaint.
- Thomas C. Owens stated to Herbert W. Walton in the reclusal hearing that, "I do not know any of the parties in this proceeding by name and would not be able to identify them within the context of these proceedings." On the basis of that statement, Judge Walton denied our motion for reclusal.
- I have communicated with Attorney General Robert T. Stephen, Governor Joan Finney, and Kansas Disciplinary Administrator, Mr. Miller. Based on the documentation, both Thomas C. Owens and Judge Herbert W. Walton should have secluded themselves from further participation in my case.
- Shortly after Timothy Owens severed my parental rights, he was retained as staff counsel for the SRS.
- Judge Herbert W. Walton granted money to try and find Susan and her child. He still doesn't know where she is--eight years later; neither do I.
- There is substantial and possible criminal violation of my children's and my civil and constitutional rights by the State of Kansas, SRS, Johnson County Sheriff's Department, Thomas C. Owens, possibly Judge Walton, and Jon S. Willard, my children's Guardian Ad Litem.
- Judge Owens' conduct willfully and maliciously deprived my children and myself of due process of law in violation of the Fifth and Fourteenth Amendment rights under the U.S. Constitution.

- We should be entitled to pursue an action under 42U.S.C. 1983 against Judge Owens, and possibly the others for denying us due process under color of State Law. To this extent SRS, the State of Kansas, and state officials have been aware of the violation and took no steps to stop it.
- Undoubtedly, this evidence virtually exposes the SRS and the Child Protection System to public and legislative scrutiny for its actions.

FREEDOM OF RELIGION; FREEDOM OF THE PRESS, AND
FREEDOM OF PERSON UNDER THE PROTECTION OF THE
HABEAS CORPUS, AND TRIAL BY JURIES IMPARTIALLY
SELECTED. THESE PRINCIPLES FORM THE BRIGHT
CONSTELLATION WHICH HAS GONE BEFORE US AND
GUIDED OUR STEPS THROUGH AN AGE OF REVOLUTION
AND REFORMATION.

THOMAS JEFFERSON
FIRST INAUGURAL ADDRESS
MARCH 4, 1801

STATE DOCTOR: BILL DEAN GRAHAM

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

Dr. Bill D. Graham, by his own admission, is not licensed in the state of Kansas.

Dr. Graham would not even be eligible for licensing in the state of Kansas.

Dr. Graham has been licensed in Missouri since 1978, which was the first year Missouri had a licensing law.

Dr. Graham was grandfathered in, so to speak, which means he did not have to take a test or pass any board or anything like that. He just renews his license each year.

When he is asked how he is able to perform services in a state agency within a jurisdiction that he is not licensed, he states the law in Kansas says that within a 50-mile radius the state of Kansas can pay for people within a radius outside of the border, as well as other states within the 50 miles which includes five (5) other states surrounding Kansas.

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

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

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

Dr. Graham admits to not taking an independent history of each case. He just takes the history from the SRS worker.

Dr. Graham admits he has no idea of what type of degree she (the SRS worker) holds or if she is even a diagnostician. In other words, Dr. Graham takes history from someone whom he has no idea about their qualifications to even take history.

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

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

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

Dr. Graham has even conducted workshops for the Olathe SRS office. In other words, he is training the social workers at SRS.

I don't understand why Social Services would find it necessary to seek "experts" across the state line, especially when not qualified in either state.

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

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

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

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

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

Dr. Graham is no longer in Kansas City, but works in Marysville, Kansas.

BACKGROUND INFORMATION ON FOSTER HOME

Alberta M. and Delmar O. Brumley

- Both foster parents committed adultery with each other against their former spouses who were all best friends.
- Both foster parents have children from their previous marriages they never see or never talk to.
- The foster father has grandchildren who live near whom he has never seen.
- They have been foster parents since 1981.
- This foster home is ran like a puppy mill, the only difference is children are housed.
- We know of a child the foster mother forced to stay up all night making her confess to abuse her mother did not do to her.
- We know of a case where two girls who were placed at the home because of sexual abuse. One child cried a lot. Both foster parents threatened to place the child in Juvenile Detention. They also forced her to sleep in their bedroom at the foot of their bed in another bed.
- We know of twin girls who stayed at the foster home; one ran away.
- We know of another little boy who parroted the same story my son told.
- We have been told the largest number of children in this home from SRS has been seven at one time. SRS tells natural parents each child needs their own bedroom.
- They have a child who died in a car wreck. They have had parties for the anniversary of his death with cake and ice cream.
- They have a picture of the deceased son mounted to the dash board of their van.
- The foster children are told the deceased child's spirit lives in their home.
- In a video taped interview with the Overland Park Police, my son is blowing in the foster mother's ear. When asked what he was doing, he responded, "I am doing what the deceased child did." He never knew the dead child.

- The foster mother created false history against myself by telling SRS I was late picking up my children.
- My attorney and I begged to have us both sign a time log to prove who was telling the truth; I was denied the time log.
- The foster mother and I had a quarrel because my son at age four saw a movie full of violence and sex in her home. She told SRS the following day I had let my son see the movie. In a meeting with SRS, we had another quarrel about it. The children's guardian ad litem told everyone I was lying.

It was not until she was asked under oath on the witness stand that she admitted my son saw the movie in her home.

- In 1988 the foster mother was in a car accident. Thanks to the aid of my children's guardian ad litem she won \$95,000 for back injuries. She now wears a pain monitor at all times.
- My daughter no longer attends school. She is 16 years old. April will mark her eighth year with this foster mother;
- The State of Kansas has payed the Brumleys a total of \$63,288 to date for their foster care: \$29,184 for my son; and \$34,104 for my daughter.

December of 1990 I received a phone call from Elisa Cosgrove stating that a aunt of hers had called the Cosgrove children foster family asking if she could possibly give them something for Christmas. Mrs. Brumley the foster parent, stated that the children would like to have pictures of their great grandmother. As a former foster parent I recognized that as close to Christmas as it was that the children would never receive the pictures in time for Christmas if they were not delivered directly to the foster home. I ask Elisa for the pictures and the address and I called on the Brumley home. I chose a time approximately 10:00 in the morning when the Cosgrove children would be in school. I found Mrs. Brumley at home. She was in her night gown and had some kind of a pain monitor pinned to it. I introduced myself and explained that I had brought the pictures that the children had requested. Mrs. Brumley stated that everything had to go through S.R.S. I ask if that were the case if there was someone she could clear it with since the pictures were there and that way the children could have them for Christmas. Also she could personally check them out to see if that was what the children were wanting. She ask me to come in and she would call Mr. Mike VanLanahan. I was not prepared for the visual experience of walking into that home. We walked through the hall past a darkened living room with a wheel chair sitting in the door way. It appeared to be a childsize wheelchair, a rather expensive looking chair something that would not be used on a temporary basis but for long term disability. I thought how could some one as frail looking as Mrs. Brumley with a pain monitor handle a child that would require that kind of wheelchair? I hardly had time to process that thought when we stepped into the family room there were several preschool children, and a young girl small with dark hair. I thought her to be early adolescent. She had on jeans and a white shirt and she was holding a small child in her arms. It did not appear that she was ill and I thought it was unusual that she would be home from school. She seemed to be in charge of all these little ones. I then went into the kitchen where there were over 8 chairs around the table and I believe a couple of high chairs. Mrs. Brumley then called S.R.S. and instead of calmly explaining the situation she became very loud and explained to Mr VanLanahan that the Cosgrove children wanted nothing to do with the rest of their family. I felt at that time that the girl I had seen in the family room could have possibly been Laurie Cosgrove and that the loud negative belittlement of the Cosgrove family was being directed at her. I then spoke with Mr. VanLanahan he did not want me to leave the pictures with Mrs. Brumley and threatened my arrest if I did not leave the home immediately. I then got directions from him a told him I would bring the pictures to his office. I then walked to the hall with Mrs. Brumley and she told me in a loud voice that I had no idea how difficult the Cosgroves had made their live. I ask her what they had done and she indicated that they drove by the house at all hours. She indicated that I did not know how difficult it was to have children who's parental rights have been severed. I explained that perhaps if there were some kind of monitored visitation in a therapist office that might help the situation. In Missouri as a foster parent I knew that that was being done and that it is not a uncommon

practice for foster parents to take it upon themselves to make such arrangements. At about that point I heard noises up stairs. There was no longer any one in the family room. Mrs. Brumley yelled up stairs "Laurie take care of _____." I felt at that moment my stomach drop. I felt that that was Laurie Cosgrove that I had seen taking care of the children. At that point I told Mrs. Brumley that the state can sever the rights of parents but how do you sever the hearts?

I then proceeded to Mr. VanLanahans office. I called Elisa and ask her to join me. The pictures were then given to S.R.S. I expressed to Mr. VanLanahan that I was concerned about what I had experienced at the Brumley home. That there should be a investigation into the home because there were more children than a woman in Mrs. Brumleys condition could care for. That Laurie I believed was perhaps be kept home from school to care for these children. That the home was extremely messy and cluttered. That I was interested in the status of the children and that I would be interested in taking the Cosgrove children either in a foster care situation or adopting them. Mr. VanLanahan threatened my arrest three times that morning once on the phone, and twice in his office. I have never been arrested an the idea that was his only response to some very serious allegations and also some equally serious solutions was completely out of line and inappropriate.

I have also met with Dot Leakey and gone over my observations with her.

The experience of the Brumley home will not leave me.



MY CHILDREN'S GUARDIAN AD LITEM

Jon S. Willard

- Mr. Willard has been involved with many hundreds of cases for SRS.
- Mr. Willard became a Judge Pro Tem in 1987.
- In 1988, he won \$95,000 in an out-of-court settlement for my children's foster mother.
- He knows she has special needs children from SRS.
- He won her the money because he proved for the foster mother she could no longer care for children.

SRS FACT SHEET

- My SRS Social Agreement is clear and convincing evidence SRS did not wish to work with me. The document is written in a way to foster distrust with the social workers. The social agreement had no fundamental goals of strengthening and maintaining the integrity of my family or promoting a healthy development of my children.
- The SRS worker and the SRS therapist both begged for the early release of my ex-husband.
- The SRS worker told my therapist "to show you how crazy our agency feels Elisa is, we are going to give the children back to their father" -- who was in prison for the abuse of a child.
- My attorney asked for a new case worker in an SRS appeal. I was denied.
- In December, 1990, Linda Butcher, a former foster parent, inquired about adopting my children at SRS. She had visited with Mrs. Brumley. At that time, she also reported to Mike VanLandingham the filthy condition of the foster home, the unhealthy and unkept physical appearance of the foster mother, and the abusive language Mrs. Brumley had used to malign the Cosgrove family. Mr. VanLandingham ordered Mrs. Butcher to leave the SRS premises or he would have her arrested, and added that the Cosgrove children were unadoptable.
- The following individuals have been paid by the State of Kansas in my case with SRS:

Mike VanLandingham	Lois Mitchel	Bonnie Brightwell
Mary Ann Granger	Lois Tuttle-Miller	Cindy Craft
Sue McKenna	Carol Forman	Bonnie Walz

The following Social Agreement dated October 7, 1986 was set up by SRS to be used for their determination of the feasibility of reunification of my children and me.

As can be seen, there are many questionable areas about SRS' ethics, their approach to a workable relationship, and their actual intentions for our reunification.

Before this agreement could be worked and prior to my criminal court trial, in a Juvenile Court hearing Judge Haynes disallowed the completion of this Social Agreement as "not being feasible."

DRAFT

SOCIAL AGREEMENT

Elisa Cosgrove



Lorie and Charles, Jr. are the children of Elisa Cosgrove and Charles Cosgrove, Sr., This is a social agreement written to specify what actions are expected to be undertaken by Elisa Cosgrove before this agency will determine the feasibility of reunification of Lorie and Charlie, Jr. with Elisa Cosgrove. A separate social agreement will be developed with Charles Cosgrove Sr.

The goal of this agreement is to enable Elisa Cosgrove to:

- (1) Understand her children's emotional problems;
- (2) Accept responsibility for contributing in past to the stormy and chaotic environment that caused her children's problems;
- (3) Understand how her behavior (i.e. tendency to argue and conflict, crusading, angry outbursts affects her children and impedes their recovery;
- (4) Demonstrate her ability to integrate these concepts into her behavior and finally
- (5) Demonstrate her willingness to work cooperative with the professionals involved with her children.

Maintaining Lorie's and Charlie Jr's well-being and meeting their needs is this agency's primary concern.

This Social Agreement will also specify what actions this Social Worker will take to assist Elisa Cosgrove to complete this agreement.

I. Length of Agreement:

This agreement will be effective for a six-month period from February 25, 1986 to August 25, 1986.

II. Agreement:

A. Elisa Cosgrove's Responsibilities:

(1) Releases for exchange of information will be signed regarding therapists and doctors. The goal shall be the regular exchange and updating of information to all parties involved.

(2) Elisa shall attend regular therapy sessions as scheduled by her therapist and demonstrate progress in the areas identified below.

The goal of therapy is eventual joint therapy with Elisa's therapist, her children, and their therapist. Issues that need to be addressed in therapy include:

- a. Resolution of her issues of past abuse and her anger towards Charles, Sr.
- b. Understanding and accepting in part responsibility for actions which resulted in her children's problems.
- c. Understanding how her behavior affects her children.
- d. Learning and integrating new ways to interact with her children.
- e. Understand the anger children currently have for both parents.

(3) Progress will be determined not only through reports from her therapist, acceptance and demonstration of her responsibility of the above will be reflected by reports from her therapist, her willingness to work with other professionals involved and her comments made in the community.

(4) Visitation:

To be determined upon resolution of criminal charges.

(5) Contact with Social Worker:

The goal of regular contact is to maintain open channels of communication; provide update on children; provide on-going assessment of parent compliance of Social Agreement and to work together in a cooperative effort to determine what is in the best interest of the children. Elisa shall remain in contact with this Social Worker according to the following guidelines:

- a. Contact shall be made through appointments or phone calls once a week unless an emergency necessitates more.
- b. Elisa shall schedule appointments with this worker to meet in the office when requested or desired. Elisa shall not drop by the office unexpectedly and expect to be seen.
- c. Elisa shall work with the Social Worker and made contact with Supervisor, Lois Mitchell, only when an emergency arises and this worker is on vacation, sick or at a conference.

Elisa shall not attempt to engage this worker in an argument. Issues regarding information provided should be directed to her therapist.

- e Elisa shall discontinue her use of recording devices in phone contacts and in office visitation unless she requests to do so and permission is given.

(6) Financial Obligation:

Elisa shall provide child support for Lorie and Charlie as determined by Child Support Enforcement. Any changes in the status of her employment should be made immediately available to Child Support Enforcement.

Responsibility of Social Worker:

(1) Contact with Elisa:

Mary Ann Granger on behalf of the Olathe Area Office of Social and Rehabilitation Services agrees to assist Elisa Cosgrove in completing her agreement by the following:

This Social Worker shall be available to Elisa for weekly phone contact or scheduled appointments.

(2) Information Regarding Children:

This Social Worker shall provide information to Elisa on a regular basis regarding the children's progress in therapy, their educational achievements, and general health.

- (3) Information shall be exchanged with Dr. Jan Roosa and Mr. Coatney, Social Worker, Johnson County Mental Health Center, and this worker shall request Dr. Roosa or Mr. Coatney to assist in coordinating joint therapy when appropriate.

FACT SHEET

(JANUARY 28, 1992)

Here are some facts from the SRS Agenda & Interim studies from the Special Committee on Children's Initiatives:

- SRS in consultation with the Child Welfare League of America
The agenda reads, "It requires an investment today for the future. The choices are pretty basic--pay now for services for children, youth and families or pay later for prisons, increased adult psychiatric services, reliance on public assistance and perpetuation of the cycle of abuse and neglect."
- The SRS fiscal year 1992 budget allocates nearly \$48 million to foster care and just over \$3 million to family services.
- Foster care cost alone grew by \$25 million from FY 1987 to FY 1992. At that rate foster care cost could reach \$100 million in Fy 1997--an increase of over \$52 million.
- In Kansas several hundred children each year are removed from their homes and communities in order to receive in-patient evaluation which takes from 3-4 weeks.
- The National Association of State Mental Health Program Directors found in 1985 Kansas gave more money per capita, than any other state, to state hospital care for children.
- With consideration to foster care:
 - 20% of all children stay in their custody less than one year.
 - 13% of the children stay in their custody 3 years or more.
 - Those children who were adopted waited an average of 7.4 months.
 - In 1990 Children In Need of Care experienced an average of 3.13 moves.
 - Foster care is \$304.00 per month for children 0-11; \$386.00 per month for those 12 and older.
 - Suicide was the second highest cause of death in the 5-24 age group in 1990.
- Kansas incarceration of juvenile offenders ranks 8th in the nation; higher than 42 other states.

For copies of the SRS Agenda call:
Commissioner Carolyn Hill (913) 296-3248

For copies of the Childrens Initiatives:
Laura Howard, Legislative Research (913) 296-4419

22-19/23

CHILD PROTECTION ISSUES

In honor of my two precious children who have been robbed of their identity (Lorie Marie now known as Lauren Ann and Charlie Patrick now known as Teddy), the following activities have been pursued in behalf of child protection issues.

WORK CREDITS

Government Offices:

Accepted invitation to meet personally with Governor Mike Haydon.

Testified before Government Task Force on children.

Testified before Kansas Senate and House of Representatives

Testified before Missouri Senate and House of Representatives

Testified before U.S. Congress

At the request of Auditor Ron Green, presented testimony for a legislative Post Audit Report on problems families experience with SRS (1990).

Schools & Universities:

Speaker - a conference for teachers and other professionals at Harding University's School of Education (Arkansas). Entitled "The Abusive Use of Child Abuse Laws"

Accepted numerous invitations to speak in classrooms at grade schools and high schools in metropolitan Kansas City, MO.

Speaker, School of Education, University of Missouri, Kansas City

Conferences

Hosted luncheon (initiated by State Representative Sherman Jones) for SRS Secretary, Donna Whiteman (11/91); some 30 guests, foster parents, group home providers, biological mothers and grandmothers, presented testimony on problems experienced with SRS.

Hosted National Pro Vocal International Conference, St. Louis, MO

Hosted national press conference at National Press Club, Washington, DC

Speaker at Kansas mini conference for VOCAL.

Radio, Television, Print Media:

Appeared on Jack Anderson's The Insiders on several occasions during 1990.

Appeared with Frank Gifford as a guest on Live with Regis & Cathy Philben.

Appeared with Lawrence W. Daly, the author of Innocence, The Ragged Edge on a Seattle, Washington television station.

continued ...

ELISA MARIE COSGROVE-BREITENBACH

FOR CHILD PROTECTION ISSUES

Radio, Television, Print Media: cont'd.

Appeared with Attorneys Donna Manning and Donald Smith with Ann Debus, the television hostess for a Johnson County, Kansas Cablevision program.

Appeared with Tom Leathers, the television host for a Johnson County, Kansas Cablevision program.

Appeared once with State Representatives Jim Barnes and Derrick Holland, once with attorney Donna Manning, and once with attorney Bryan Nelson on the Margaret Baldwin television news program, Kansas City Channel 50.

Appeared with Dr. Al Sarno, Psychologist, and Debbie Graham, the hostess of Something Beautiful, a nationally syndicated television program.

WIBW, Topeka - subject matter for an investigative series. Testimony helped station win the Kansas Association of Broadcasters Award for "best investigative series."

Subject of numerous local (metro Kansas City) editorials.

A guest on the Tom Hopkins local radio talk show with attorney Donna Manning.

A guest with Sid Willins, Assistant District Attorney, on Walt Bodine's local radio talk show.

A guest of Darcy Blake, the hostess of a news program on WHB-KUDL, a local radio station.

A guest of Jan Socolof, the hostess of a news program on a local radio station.

A guest of Carl Lackey, the host of a two week news series on a local radio station. Rebutted false allegations made by Dennis Moore, the then District Attorney of Johnson County, Kansas.

Signed movie contract with Lamb Industries, Los Angeles

Affiliations:

National Child Abuse Defense & Resource Center, Legislative Director.

National Vice-Chairperson and representative for National Pro-Vocal. Conduct weekly meetings locally.

Lobbyist, state of Kansas.

continued ...

22-21/23

ELISA MARIE COSGROVE-BREITENBACH

FOR CHILD PROTECTION ISSUES

Rallies

White House, Washington, D.C.
Governor's Mansion, Topeka, KS
Kansas State Capitol
Court Houses in Kansas and Missouri
Social Rehabilitation Services, Kansas
Division of Family Services, Kansas City, Missouri
Numerous candlelight services for Mothers'/Fathers' Days

Books

Subject contained within The Child Abuse Industry (Mary Pride, author).
Dr. William McAdoo will include a chapter about my family's heartache in a book he is currently writing.

Personal Data

Graduated Raytown South High School, 1973
Graduated Jones Store Cosmetology School, 1974
Participated in training session for early childhood educators
Attended: child abuse workshops and seminars.
VOCAL/PRO-VOCAL/VOCAL-NASVO state, national, and international conferences.
"Parental Rights" seminar, John W. Whitehead, Rutherford Institute.
child ADVOCATE workshops and conferences.
National Victim's Rights Conference.
media workshops.
PRO Family workshops, PRO Family Forum, Concerned Women of America.
legal workshops.
home school seminars.
Pro Life workshops and seminars.
JUSTICE PRO SE seminar, Nat Denman.
legislative workshops.

Actively participated in seminar, "Investigative Approaches to Child Abuse Allegations," Lawrence W. Daly; helped compile data base of guardian ad litem; registered attendees; personally invited SRS and DFS representatives.

Maintain extensive library of books, journals, articles, etc. used to help attorneys, families and victims of false allegations of abuse charged by CPS agencies.

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In my quest to find justice for my children, I have expended over \$200,000. The following individuals, including physicians and attorneys, have been paid for their services in this regard:

ATTORNEYS

Howard Lyden
William Grimshaw
Paula Laurenzana
Dennis Mitchell
Susan Ellmaker
Ed Byrne
Irving Achtenberg
Donald Smith

Stephen M. Fletcher
Karen Shelor
Micheline Z. Buger
Dave Gilman
David K. Fromme
Donna Manning
Bryan Nelson
Mike Hanna

DETECTIVES

Ted Knox

Charles Stephenson/Orion

GUARDIAN AD LITEM

Jon Willard

PHYSICIANS, PSYCHOLOGISTS, COUNSELORS

Donald Smith, MD
Ed Chrisforson, MD
Ivor Jones
Cheryl Tucker
Robin Hornstra
David Pyle
Al Sarno
Bill McAdoo

Patricia Jones, MD
Pat Fryman, MD
Gerald Vandenberg
Jan Roosa
Ronald McNish
Bill O'Conner
Bill McIver
Howard Coathey

COURTS INVOLVED

District Court
Probate Court
Criminal Court
Kansas Supreme Court (2)
Federal Court

Family Court
Juvenile Court
Court of Appeals (2)
U.S. Supreme Court

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

NANCY PARRISH
SENATE DEMOCRATIC POLICY CHAIR
STATE SENATOR, NINETEENTH DISTRICT
SHAWNEE COUNTY
3632 S. E. TOMAHAWK DR.
TOPEKA, KANSAS 66605
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913-296-7373 BUSINESS

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: EDUCATION
MEMBER: FINANCIAL INSTITUTIONS AND INSURANCE
JUDICIARY
LEGISLATIVE AND CONGRESSIONAL
APPORTIONMENT
LEGISLATIVE POST AUDIT
WAYS AND MEANS

Senate Judiciary Committee

Senate Bill 655

March 25, 1992

Senate Bill 655 is very similar to S. B. 227 which passed the Senate last year with a vote of 40-0 and then was amended heavily in the House of Representatives and ultimately was vetoed by the Governor.

Senate Bill 655 requires the establishment of children's community services planning groups in each judicial district of our state. Each children's community services planning group must develop a needs assessment for both children in need of care and juvenile offenders.

As part of the needs assessment, the planning groups are required to identify children's services that can be provided locally, i.e., within the judicial districts, and those that would need to be provided by the State. In addition, the planning groups are required to identify all agencies that provide services locally and to develop a plan which would ensure the cooperation and collaboration of service agencies within the judicial district. The plans developed by the planning groups are to be submitted jointly to the Children and Youth Advisory Committee and to the Advisory Commission on Juvenile Offender Programs by June 30, 1993.

Senate Judiciary Committee
March 26, 1992
Attachment 23

Some communities already have begun this process and it's my understanding that those communities view this process as very beneficial. S. B. 655 would pave the way for submission of these local plans to the two statewide groups that deal with children's programs. The statewide groups then could develop statewide plans which would incorporate those plans submitted by the local groups.

Thank you for your attention and for your consideration of this bill.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Donna L. Whiteman, Secretary

Senate Judiciary Committee
Wint Winter, Jr., Chairperson

March 25, 1992

Testimony in Regard to SB 655

An act establishing in each judicial district a children's community services planning group: providing for recommendations involving the provision of community services within the judicial district for children and other matters involving children.

Mr. Chairman, Members of the Committee, I am appearing today in support of the concept and intent of SB 655. Local community coordination and cooperation squarely fits with the SRS Family Agenda and is an interest held by all of us who are serving families and children. The strong interest of the legislature in this area is evident by the number of bills introduced in the House and Senate to create planning, oversight, coordinating and service delivery groups at the local level. Senate Bills 660 and 661 are examples introduced this year. SB 353 carries over from the 1991 session. In the House, HB 2110 and 2542 carry over from last year. During this session HB 2987 and HB 3113 are new .

Although we support the concept and intent of this particular bill, we must be mindful that each such committee, council, planning group, etc., adds additional responsibilities to already overburdened local systems of service delivery. It would not be in anyone's best interest to create overlapping and duplicating functions. We urge that the proposed initiatives be merged into a single plan.

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

*Senate Judiciary Committee
March 26, 1992
Attachment 24*

HB 3017

Information relative to questions raised at hearing on HB 3017.

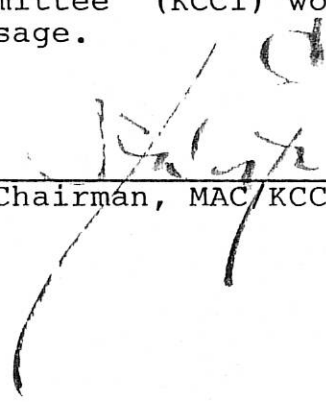
National Bank Examiner, Comptroller of the Currency, Washington D.C., Irene Ketz (202-874-5350 or 202-874-4927) advises there are no regulations setting a quote on military personnel relative to financing of housing construction. Others contacted who indicated they had no knowledge of any such federal mandate: Office of Thrift Supervision, Topeka (913) 233-5300); Union National Bank, Manhattan, Kansas, Larry Fox (913) 537-1234); First Savings Bank, Manhattan, Kansas, Stan Watt (913) 537-0200).

Federal National Mortgage Assoc., Dallas, Texas, Judith Adams (214-991-7771) said there are no regulations but they do have general underwriting guidelines which do not single out military but considers the potential risks.

In talking with Capt. Bovine, Judge Advocate, Fort Braggs, North Carolina (919) 432-0195 (a state that prohibits discrimination against military personnel) he stated that the rental housing business in North Carolina did not collapse when 100,000 military personnel were deployed to the Middle East.

There may be some basis to question the logic which permits one to obtain money to finance construction because of a high demand military population, but then asks for special protection on the down-side risk. Both the developer and the lenders would know the risk of re-assignment before they began the project.

The Military Affairs Committee (KCCI) would request you report HB 3017 favorable for passage.


Chairman, MAC/KCCI

Stu ENTZ

Senate Judiciary Committee
March 26, 1992
Attachment 25