

Approved 3-25-92  
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

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

10:00 ~~a.m.~~ ~~p.m.~~ on March 20, 1992 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research  
Norman Furse, Revisor's Office  
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Senator B. D. Kanan  
Mike Moreno, Kansas City, Kansas  
Aaron Wollard, Parker  
Barbara Armstrong, Kansas City, Kansas  
Ann Brooks, Basehor  
Alicia Horner, Mission  
Stan Wollard, Parker  
Wayne Probasco, Kansas Podiatric Medical Association  
Lawrence T. Buening, Board of Healing Arts  
Chip Wheelen, Kansas Medical Society

Chairman Ehrlich called the meeting to order at 10:00 a.m. and announced continuation of **Hearing on SB 672** - Jury trial, rehearing and appeal procedure prior to termination of parental rights under code for care of children.

Mike Moreno, Kansas City, Kansas, continued recalling his experiences with SRS involving custody of his children, and the importance of parents having the right to a court hearing.

Aaron Wollard, Parker, submitted written testimony and stated he was a victim of the system and told of his experiences in which he was encouraged to make a case against his parents. (Attachment 1)

Barbara Armstrong, Kansas City, express her support for **SB 672**, and stated the bill may not be a "cure-all" but would be a start as something needs to be done to help keep families together when there is a crisis.

Ann Brooks expressed support of **SB 672** and told of many experiences with her daughter and SRS that began in 1968 and what had transpired over the years. Ms. Brooks stated that laws needed to be changed to protect the children from the treatment and abuse that is occurring with state agencies in the state of Kansas.

Testifying in support of **SB 672** were Alicia Horner, foster parent from Mission, Stan Wollard from Parker and Mary Ann Sause, a single parent from Kansas City, Kansas, all told of their personal experiences with their children and SRS. (Attachments 2 and 3) Senator Kanan concluded the hearing with his support of the bill. Written testimony was received from the following in support of **SB 672**: Glen Burdue, Patricia Jammerson, George McCasland, Mina Zimmerman, Barbara Huff, Leona Gilmore, Dr. Tom White, Linda Butcher, and Jackie Wollard. (Attachment 4) A letter was received and distributed to the Committee from James Burgess, Judge, Juvenile Department of the District Court, Wichita, expressing some concerns with the bill. (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 526-S, Statehouse, at 10:00 a.m.<sup>xx</sup>p.m. on March 20, 1992

**Hearing on HB 3102 - Podiatry, establishment of review committee by state board of healing arts**

Wayne Probasco, Kansas Podiatric Medical Association, submitted written testimony and appeared in support of HB 3102 and recommended the terms of members of review committee be staggered. Information regarding action by the House Governmental Organization Committee that recommended the elimination of the Advisory Committee on Podiatry in HB 2670 was provided. (Attachment 6) During Committee discussion Mr. Probasco stated the current Advisory Committee and the Review Committee are basically the same, and this bill would authorize per diem compensation.

Lawrence Buening, Board of Healing Arts, submitted written testimony in support of HB 3102 and stated the bill was recommended by the House Subcommittee on Governmental Organization following a sunset review study of the State Board of Healing Arts. A proposed balloon of the bill was submitted which would make the language similar for both podiatry and the three review committees created under the healing arts act, and also a new section 4 which would make the Review Committee a "health care provider group" for purposes of peer review under K.S.A. 1991 Supp. 65-4915. (Attachment 7) During Committee discussion, Mr. Buening stated there is a separate category of licenses for podiatrists under K.S.A. 65-2001, and podiatrists are limited to strictly treatment of the foot and can use controlled substances. The makeup of various advisory committees were explained to the Committee.

Chip Wheelen, KMS, appeared before the Committee and pointed out that in 1986 a law was passed that provided legal protection to those health care providers that engaged in peer review in order to encourage them to share information without liability exposure and protect the process from becoming a "fishing exposition" for trial lawyers. It is his understanding that form of protection would not be afforded to informal or statutory advisory committees.

It was the consensus of the Committee for staff to draft a balloon copy of the amendments for further discussion and consideration by the Committee.

Senator Burke offered a conceptual amendment on HB 3102 that the Review Committee for the practice of podiatry receive \$35 a day plus expenses, seconded by Senator Kanan. No discussion followed. The motion carried.

**Action on SB 458 - Licensure of alcohol and other drug abuse counselors.**

Senator Hayden, having voted on the prevailing side on SB 458, made a motion to reconsider action on the bill, seconded by Senator Langworthy. No discussion followed. The motion carried. Senator Hayden made a motion to recommend SB 458 as amended favorably for passage, seconded by Senator Langworthy. Committee discussion related to a previous amendment regarding sunset of advisory committee after initial rules and regulations are adopted, consistency should be established regarding advisory committees to regulatory boards, as well as clarification as to who is impacted by the cost of advisory committees. The motion carried. Senator Langworthy will carry the bill.

Pages assisting at the Committee meeting were sponsored by Senator Burke.

The meeting was adjourned at 11:00 a.m. The next meeting is scheduled for March 23, 1992, 10:00 a.m., Room 526-S.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-20-92

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

Aaron Willard

Vocal

BARBARA ARMSTRONG 6341 CERDECH KCS

~~O~~

Candi Armstrong " " "

Betty Kanan 5111 Garfield KOK

Alexandrina Moreno P.O. Box 3610 KCS

Mike Moreno II " " "

Mike Moreno " " "

Maryellen McCormick

Ann Brooks - 215-76-155<sup>th</sup> Basehor<sup>66007ks</sup>

Jackie Willard: Parker Kcs

VOCAL

Alicia Horner Ms. Ks,

Foster Parent

Lisa Getz

Keys for Networking

Helen Uman

Vocal

Elisa Bräitenbach

MARCH 20, 1992

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. WHAT IT TOOK SIX PEOPLE TO DO IS ALL MY FAULT.

I WAS UNHAPPY WITH MY PARENTS OVER NORMAL DISCIPLINE AND MY GRANDPARENTS ENCOURAGED ME TO LEAVE HOME AND I DID.

THEY SAID A SUICIDE THREAT WOULD BE CONVINCING SO I SAID IT.

MY CASE BASED ON FALSE STATEMENTS THE SYSTEM SAID I MADE.

ALL THE PEOPLE IN THE SYSTEM WITH WHOM I CAME IN CONTACT WITH ENCOURAGED ME TO MAKE A CASE AGAINST MY PARENTS.

THEY ENCOURAGED ME TO LIE--AND I DID

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

THEY LIED TO ME ABOUT WHAT THEY SAID THEY COULD DO FOR ME--AND THEY COULDN'T.

**SGT BUTTERS**, MIAMI COUNTY POLICE DEPARTMENT SAID TO FIGHT THE SYSTEM--THEY WOULD WANT TO PUT ME BACK HOME.

1. WRISTS NOT CUT OR SCAR 1/4" TO 1/2" PRESENT--**CATHY STOCKARD** SAID IT WAS--BUT IT WASN'T. SHE SAID SHE WROTE DOWN ALL I SAID BUT SHE DIDN'T.
2. NO ONE GOT THE STORIES AND INFORMATION RIGHT--**LOLA MC FARLAND** SRS OFFICER AGREED WITH COUNTY ATTORNEY ROBERT YOUNG I NEEDED TO GET ADMITTED TO THE HOSPITAL. SHE SAID IS SHOULD NOT TO TALK TO MY PARENTS ON THE WAY--THEY WERE NOT TO BADGER ME--AND THEY DIDN'T--THEY TOLD ME THE TRUTH. MY MIND WAS A **TORNADO**
3. COUNTY ATTORNEY, **ROBERT YOUNG** ONLY ONE WHO ENCOURAGED ME TO BE HONEST. WAS SEXUAL INFORMATION ON MY FATHER CORRECT OR NATURAL AFFECTION--HE HAD CHILDREN--AND I SAID IT WAS BUT HE NEVER REPORTED IT.
4. LET PEOPLE KNOW GRANDPARENTS, SGT, INTAKE OFFICER, PUT THEIR FAILURE TO DO THEIR JOB BACK ON THE KIDS AND DON'T TELL THE TRUTH THEMSELVES.
5. **CATHY STOCKARD** & PEOPLE TRYING TO PROTECT HER LIED TO ME ABOUT WHAT THEY WERE DOING--YET THEY ARE IMMUNE
6. GOVERNMENT SUPPOSE TO SERVE AND PROTECT US BUT I WILL PROBABLY NEVER TRUST ANYONE IN LAW ENFORCEMENT AGAIN. THEY WERE NOT HELPING ME.

I WAS ONE OF THE LUCKY ONES. THERE IS "**NO PLACE LIKE HOME.**"

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

*Senate FHW*  
*attm #1*  
*3-20-92*

# STATISTICS

presentation by  
Stan Wollard

## FY 1993 STATE BUDGET:

\$45 Million spending on Foster Care (13,450 Children)  
\$ 3 Million spending on Family Preservation

## FY 1993 Special Committee on Children's Initiatives:

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

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

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

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

## FY 1993 Task Force on Social & Rehabilitation Services:

- During the period 1980 to 1985 professional field staff decreased 24%.
- Foster Care budget in FY 1987 has grown 109% to nearly \$ 48 Million in FY 1992.

## The Social Rehabilitation System Itself Says:

- SRS Secretary, Donna Whiteman shared with me that the case load:

Average Cases to workers	35:1
Ideal Average to workers	6:1

## The Social Rehabilitation System Needs:

- Higher Level of Education & Training.
- Accountability--it does not "police" itself.
- Video Taped Interviews.
- Lower Case Load/More People
- Current Staff Reviewed--a system this size has some bad apples contributing to the problem--we need SB 672
- Quit abusing its power!

Senators  
Cotton #2  
7-20-92

### Additional Legislation:

- Other Bills in Handout: SENATE BILLS: 536,588,660,689

HOUSE BILLS: 2987,2700,2701,2712 (3113), 2713.

*We note that we DO NOT support HB2700 (Protective Custody from 48-72 Hours--more is not better).*

- Video Taping of Interviews--not drafted.
- False Accusation a Misdemeanor--Was *SB 735* in 1990 Session.

### Closing Comments:

I ask your support in passing SENATE BILL 672 so that it will:

1. Slow and eliminate the numbers of children coming into the system.
2. Let a non-partial jury of peers decide whether parental rights are to be severed and,
3. Let these children go to their natural grandparents or someone with close emotional ties.

I have covered the statistic side of this issue in support of SB 672 and why it is needed. This, however, in no way is meant to take away from the emotional, mental, and physical stress experienced by those here. I appeal to your head to reach your hearts.

Somehow, someone, in the SRS system needs to understand the problem. At the administrative level, there is awareness of the increasing numbers of children coming into the system. In the field, the workers are afraid of missing that one case that leaves a child injured or dead--God Forbid. Therefore the field worker is trained to "err on the side of the child" (which is really to "*err on the side of removal*"). To "err on the side of the child" is apparently their directive--everyone, and I use an absolute here because it is true, we have come into contact within this system quotes this to us--even Donna Whiteman, Secretary of SRS. It is their mentality and gives them justification while salving their conscience for the harm they ultimately do. In the meantime, the children and families are injured, maimed, and put through a great deal of stress, fear, and trauma. I don't understand how we can kill babies by the millions, at will, with our abortion laws as a means of birth control; yet, we are so guarded, attempting to prevent the loss of one child, that we are aborting families. Please don't misunderstand my remarks. Every child's life, unborn and born alike, are precious in the sight of God and I believe this too. Scripture even tells us "...whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depths of the sea." Matthew 18:6 KJV. And I support that with all my heart. But I believe you will have to agree with me there is an imbalance here.

We need **Senate Bill 672** and others. I firmly believe the juvenile problem in this state is directly associated with the number of children in our foster care system. Richard Wexler's book Wounded Innocents , pages 173-176 points out that many of those coming out of foster care end up as the homeless on our streets today. Our institutions are so strictly structured because of the large numbers so as to make those institutionalized, in foster care, group homes, and mental health centers ultimately dysfunctional in society. Lets help and place those who indeed need help in these agencies but reduce their numbers by passing this bill. We need this bill so that we are not 7th in the nation of juvenile incarceration (1987 "Kids Count").

This State is known and remembered for its wind swept plains of amber grain. Just as using the wholeness of every part of that grain nurtures and strengthens our bodies, so does the wholeness and bonding of family nurture our children. Make Kansas a place where people can find contentment and peace. A place where we can live, and love, and work, and raise our families without fear. We need Senate Bill 672. Thank you.

*Stanley W. Wollard*  
Rural Route 1, Box 69  
Parker, Kansas 66072-9734  
913 898-6552

The Governor's

Budget  
Report

Volume 1

Recommendations  
and  
Budget Schedules

Agency Detail



# The Budget

## DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES — YOUTH AND ADULT SERVICES

	FY 1991 ACTUAL	FY 1992 ESTIMATE	C LEVEL BUDGET	GOVERNOR'S RECOMMENDATION
<b>Expenditures By Object</b>				
Salaries And Wages .....	22,827,195	23,875,100	32,032,033	27,139,542
Contractual Services .....	3,674,357	4,543,315	12,318,768	4,648,907
Commodities .....	169,716	212,815	249,501	186,561
Capital Outlay .....	68,280	52,314	1,328,417	66,000
Debt Service .....	-	-	-	-
Non-expense Items .....	-	-	-	-
<b>Subtotal: State Operations .....</b>	<b>26,739,548</b>	<b>28,683,544</b>	<b>45,928,719</b>	<b>32,041,010</b>
Aid To Local Units .....	3,508,564	5,490,018	7,750,960	5,783,139
Other Assistance .....	50,194,056	57,509,722	74,250,724	54,200,447
Capital Improvements .....	-	-	-	-
<b>Total Expenditures .....</b>	<b>\$80,442,168</b>	<b>\$91,683,284</b>	<b>\$127,930,403</b>	<b>\$92,024,596</b>
<b>Expenditures By Fund</b>				
<b>State General Fund</b>				
State Operations .....	13,814,129	12,304,576	22,580,872	14,913,574
Aid To Local Units .....	2,029,089	2,526,882	4,857,113	2,889,292
Other Assistance .....	26,282,023	30,931,618	46,598,440	37,359,590
Capital Improvements .....	-	-	-	-
<b>Subtotal: State General Fund .....</b>	<b>42,125,241</b>	<b>45,763,076</b>	<b>74,036,425</b>	<b>55,162,456</b>
<b>Other Funds</b>				
State Operations .....	12,925,419	16,378,968	23,347,847	17,127,436
Aid To Local Units .....	1,479,475	2,963,136	2,893,847	2,893,847
Other Assistance .....	23,912,033	26,578,104	27,652,284	16,840,857
Capital Improvements .....	-	-	-	-
<b>Subtotal: Other Funds .....</b>	<b>38,316,927</b>	<b>45,920,208</b>	<b>53,893,978</b>	<b>36,862,140</b>
<b>Total Expenditures .....</b>	<b>\$80,442,168</b>	<b>\$91,683,284</b>	<b>\$127,930,403</b>	<b>\$92,024,596</b>
Full Time Positions .....	714.5	766.2	1062.0	837.0

### PERFORMANCE INDICATORS

	FY 1991 ACTUAL	FY 1992 ESTIMATE	FY 1993 ESTIMATE*
Number of person months for which Foster Care payments provided .....	51,449	58,000	62,475
Number of person months for which Adoption Support payments provided .....	9,387	10,500	11,600
Number of grants awarded to minimize placement of juveniles within adult jails and lock-ups.....	10	10	10
Number of families receiving family support services.....	1,646	1,700	1,700
Number of homes weatherized .....	935	972	0

\* Estimated level of performance under governor's recommendation.

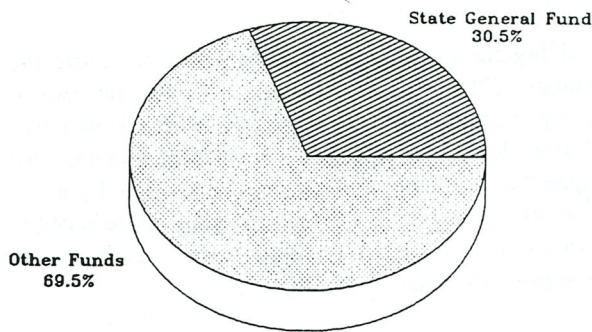
Budget

# Human Resources Summary

The Human Resources function provides assistance and services to those in need. Agencies provide a wide range of services, including job training and placement as well as payment of unemployment insurance benefits; veterans' counseling and care; preventive health services through aid to local health departments; and welfare, social services and medical assistance to poor, elderly and disadvantaged citizens of the state. Human Resources expenditures recommended for FY 1993 total 25.5 percent of the state's all funds expenditures and 19.8 percent of State General Fund expenditures.

The Governor recommends expenditures of \$1,538.9 million in FY 1992 and \$1,643.5 million in FY 1993 for Human Resources activities. Of these amounts, State General Fund expenditures will total \$513.1 million in FY 1992 and \$500.9 million in FY 1993. Other-funds expenditures include federal funds, disproportionate share funds in the Department of Social and Rehabilitation Services, and Unemployment Insurance Trust Fund disbursements from the Department of Human Resources.

## How It Is Financed

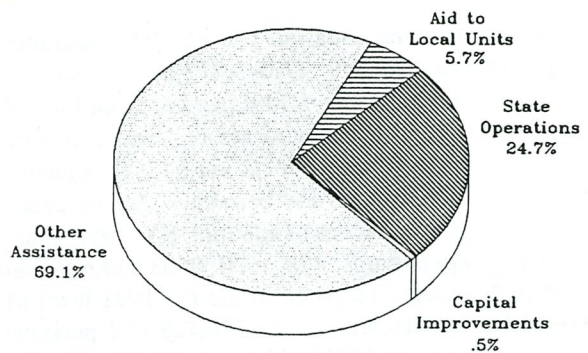


Fiscal Year 1993

Of the total expenditures for the function, \$394.3 million in FY 1992 and \$405.8 million in FY 1993 are for state operations. Included in these amounts are \$150.1 million in FY 1992 and \$148.9 million in FY 1993 to staff and operate seven hospitals for the mentally ill and retarded that will care for an estimated 2,107 Kansans per day in FY 1992 and 1,944 per day in FY 1993. The expenditures for state operations include \$175.3 million

in FY 1992 and \$185.6 million in FY 1993 to finance the staff of the Department of Social and Rehabilitation Services, which will provide social services to approximately 600,000 needy Kansans in FY 1993. Other expenditures of \$68.9 million in FY 1992 and \$71.3 million in FY 1993 for state operations finance the staff and operating costs for the remaining agencies included in the Human Resources function.

## How It Is Spent



Fiscal Year 1993

Recommended expenditures for other assistance for Human Resources total \$1,051,189,974 in FY 1992 and \$1,135,685,751 in FY 1993. The FY 1993 recommendation includes \$8,345,895 for homestead property tax rebates. FY 1993 expenditures will finance support payments to more than 119,700 clients per month in the Aid to Families with Dependent Children, an increase of 6.8 percent from the FY 1992 level. Also, funding will provide long term care to 18,325 elderly Kansans, foster care services to 13,450 children, and 4,391,720 meals for older individuals through area agencies on the aging.

The Governor recommends expenditures of \$85,420,348 in FY 1992 and \$92,948,717 in FY 1993 for aid to local units of government. The FY 1993 amounts include payments to local health agencies of \$14.0 million for preventive health services as well as \$61.8 million to finance community mental health facilities, community mental retardation programs, and local social services agencies.

## Social and Rehabilitation Services

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The Governor's FY 1993 recommendations for the Department of Social and Rehabilitation include a number of initiatives to strengthen families, enhance children's services, improve the health and employability of needy and disadvantaged citizens, and lessen the state's reliance on institutional care. The Governor's recommendations will provide continuing support for existing programs and improve services in selected areas. Caseload growth will occur in medical assistance, cash assistance, and foster care programs. In addition, the Governor recommends funding, as needed, for federally-mandated programs.

The Governor's recommendation for FY 1992 includes operating expenditures of \$1,043,817,081 from all funding sources, an increase of 14.0 percent from the FY 1991 level of \$915,236,177. Increases will occur in state operations (8.3 percent), aid to local units (17.1 percent), and other assistance, grants and benefits (15.1 percent). Under the Governor's recommendation, FY 1992 State General Fund expenditures will total \$403,917,626, an increase of 0.8 percent compared to the FY 1991 level of \$400,819,217, and a decrease of \$8,770,428 (2.1 percent) compared to the approved FY 1992 level of \$412,688,054.

FY 1993 recommended operating expenditures from all funds total \$1,149,589,942, an increase of 10.1 percent compared to the FY 1992 recommended amount. The recommendation includes increases of 6.0 percent in state operations, 9.2 percent for aid to local units and 11.1 percent for other assistance, grants and benefits. Capital improvements will total \$6,599,700, an increase of 1.0 percent from the FY 1992 recommended level. State General Fund expenditures will total \$394,230,200, a decrease of 2.4 percent compared to the FY 1992 recommended level.

The State General Fund portion of the Department's budget will decline during FY 1992 and FY 1993. In FY 1991, State General Fund expenditures constituted 43.8 percent of total operating expenditures. In FY 1992, its portion will decrease to 38.7 percent, and in FY 1993, it will fall to 34.3 percent of all funds operating expenditures. This reduction in State General Fund support is made possible through increases in federal funding from disproportionate share payments to the state's mental health facilities.

**Disproportionate Share.** Under federal law governing the Title XIX Medicaid program, hospitals which treat large numbers of medically indigent individuals are eligible to recoup the costs of uncompensated care through the Medicaid program. Thus, the federal government reimburses some costs of hospitals serving a disproportionate share of poor clients. In Kansas, the state mental health hospitals are at this time the main beneficiaries of this program. Disproportionate share payments are remitted to the state institutions and transferred to the Department's fee fund. The funds are then available for use in the same manner as state general funds for operating expenditures as well as aid to local units and assistance payments. The funds can be used to match additional federal expenditures.

The Department of Social and Rehabilitation Services submitted an amended Medicaid state plan for the federal fiscal year, beginning October 1, 1991. With this change, disproportionate share receipts will total \$104.0 million per year, compared to the \$33.9 million claimed in FY 1991. This increase in funds availability has allowed the Governor to finance normal increases in caseloads and costs as well as several program enhancements, without obligation of substantial new State General Fund resources.

Federal legislation passed by Congress just before the November 1991 recess included several provisions regarding disproportionate share payments. Under this legislation, Kansas' disproportionate share receipts will be capped at the federal fiscal year 1992 level for the next two to three years. Disproportionate share receipts after that will grow at a rate equal to the overall growth in the state's Medicaid spending.

**Medical Assistance.** For FY 1992, the Medical Assistance program will expend \$550,084,331, an increase of \$9,330,164 compared to the approved FY 1992 level of \$540,754,167. The amount includes \$12,932,024 to reinstate the Medikan program and various adjustments for costs and caseloads. The recommendation for FY 1993 includes funding of \$623,602,962, an increase of \$73,518,613 (13.4 percent) from the FY 1992 level. The increase includes \$17,138,511 for cost and caseload increases for nursing homes and intermediate care facilities for the mentally

retarded. These increases will allow continuing services for elderly and disabled individuals in residential care. The recommendation includes \$363,764,371 for Regular Medical Assistance, an increase of \$46,106,690 from the FY 1992 level. This increase includes \$33,546,690 for caseload and cost adjustments for existing programs.

In addition to caseload and cost changes, the Governor recommends three enhancements for the Medical Assistance program in FY 1993 totaling \$12,560,000, including \$955,880 from the State General Fund. The recommendation provides \$1.1 million, including \$457,160 from the State General Fund, for dental services for all medical assistance clients. Also in FY 1993, the agency will provide new outreach services for pregnant teenagers. The enhancement of \$1.2 million (\$498,720 from the State General Fund) will improve case management and service delivery by local health departments, including health testing, immunizations, prenatal health promotion and education, family planning, and neonatal home visits. Finally, the Governor recommends \$10,260,000 from federal funds for expansion of existing school district services for the developmentally disabled.

Community-based medical services total \$27,505,306 in FY 1993, an increase of \$10,273,430 compared to the FY 1992 level. The increase includes caseload and cost adjustments. The Governor also recommends expanded funding for community mental retardation programs to reduce state reliance on institutional placements.

**Cash Assistance.** For Aid to Families with Dependent Children, the Governor recommends FY 1992 expenditures of \$116,750,000 to finance 1,000,000 person months of benefits. In FY 1993, the recommendation includes \$124,950,000 for 1,050,000 person months. The General Assistance program is

budgeted at \$12,390,909 and 87,879 person months in FY 1992 and \$13,799,982 for 96,335 person months in FY 1993. The federal extension of unemployment insurance benefits is expected to produce some savings in these two programs in FY 1992.

FY	Person Months	Change	Total (000)	Average Cost	Change
1985	129,407	6.1%	\$13,013	\$100.58	2.3%
1986	119,507	-7.7	13,693	114.58	13.9
1987	94,925	-20.6	12,141	127.90	11.6
1988	67,064	-29.4	9,797	146.08	14.2
1989	75,643	12.8	11,380	150.44	3.0
1990	79,976	5.7	12,592	157.45	4.7
1991	79,292	-0.9	11,409	143.00	-9.2
1992	87,879	10.8	12,391	141.00	-1.4
1993	96,335	9.6	13,800	143.25	1.6

The recommendation provides an increase of \$2.25 in the monthly benefit amount for clients enrolled in the General Assistance and Aid to Families with Dependent Children programs. For FY 1993, General Assistance clients will receive average monthly grants of \$143.25, and AFDC clients will receive \$119.00, compared to \$141.00 and \$116.75, respectively, in FY 1992. The amounts include applicable housing allowances.

**Foster Care.** For FY 1992, Foster Care assistance payments will total \$44,837,117, for a total of 57,500 person months of care. In FY 1993, payments will include \$49,680,021 for 62,475 person months. The amounts include State General Fund support of \$29,022,670 in FY 1992 and \$34,256,459 in FY 1993. The rate of growth in foster care caseloads is expected to slow as initiatives are enacted to divert children to more appropriate settings and maintain families.

FY	Person Months	Change	Total (000)	Average Cost	Change
1985	799,930	6.1%	\$83,475	\$101.13	2.3%
1986	805,462	0.7	88,809	\$104.35	3.2
1987	869,898	8.0	94,760	\$110.26	5.7
1988	849,470	-2.3	95,682	\$108.93	-1.2
1989	869,747	2.4	101,578	\$112.64	3.4
1990	922,561	6.1	107,761	\$116.79	3.7
1991	936,203	1.5	104,857	\$112.00	-4.1
1992	1,000,000	6.8	116,750	\$116.75	4.2
1993	1,050,000	5.0	124,950	\$119.00	1.9

FY	Person Months	Change	Total (000)	Average Cost	Change
1985	34,177	6.1%	\$20,067	\$587.15	2.3%
1986	34,137	-0.1	21,322	624.60	6.4
1987	34,583	1.3	21,862	632.16	1.2
1988	34,794	0.6	22,825	656.00	3.8
1989	36,965	6.2	26,158	707.64	7.9
1990	46,331	25.3	33,115	714.75	1.0
1991	51,449	11.0	39,191	761.75	6.6
1992	57,500	11.8	44,837	779.78	2.4
1993	62,475	8.7	49,680	795.20	2.0

eligible welfare clients. Under the Governor's recommendation, 11 additional counties will receive comprehensive services and 30 new counties will be provided with basic job preparation services. This expansion will be accomplished by December 1992.

**Youth and Adult Services Enhancements.** The Governor recommends funding of \$3,361,965, including \$2,013,598 from the State General Fund, and 105.0 new FTE positions for FY 1993 to improve social services for children and adults. The recommendation will enhance the state's capacity to provide quality services and divert children from the custody of the state. These enhancements are described in detail below.

Foster care intake and assessment as well as family preservation activities will receive 55.0 new FTE positions in FY 1993 to evaluate children being considered for foster care services and provide alternative services when appropriate. This enhancement will improve and expand service delivery to strengthen families and reduce reliance on foster care services. Expanded services will be implemented in areas of highest foster care demand and are expected to reduce the rate of foster care growth.

The recommendation also provides 12.0 new FTE positions for legal assistance for area SRS offices. These individuals will represent the state in custody hearings, as necessary, to ensure that foster care placements are appropriate and fitting with the agency's expertise and statutory mandates.

The Governor's budget includes 12.0 new FTE positions for improvement of adult protective service investigations involving allegations of abuse and neglect. The new positions will allow one investigator for each area office to investigate and evaluate allegations of abuse and neglect of the elderly by institutional and home caregivers.

New positions are recommended in overall support of social service delivery. Local area office staffing will be enhanced through the addition of 24.0 new FTE clerical positions. These new staff will perform many routine functions now handled by social workers, thereby allowing professional staff more time to dedicate to actual service delivery. The Governor also recommends 2.0 new FTE positions to begin study and development of a social services information system to improve tracking and evaluation of the state's various social service programs.

**Administration.** The Governor recommends \$182,949, including \$75,449 from the State General Fund, and 7.0 new FTE positions for FY 1993 to improve administrative functions. Included are 2.0 new FTE positions for clerical assistance for child support enforcement receivables processing. The Governor recommends 1.0 FTE position to improve nursing home cost containment efforts. Also, the Governor provides funding for 4.0 FTE positions to begin recovery of Medicaid nursing home expenditures by the state from the estates of deceased clients. Recovery against any estate would occur only after the death of a surviving spouse. In the first year, this program is expected to recover two and one-half times its cost. In future years, recoveries are expected to total ten times the cost of the program.

**Substance Abuse Programs.** The recommendation for FY 1993 includes \$1.9 million from the State General Fund for new alcohol and drug treatment programs. Included is funding of \$700,000 for two new drug and alcohol treatment programs for women with young children. These programs will be located in the western and southeastern regions of the state, which are currently not served with programs accessible to women with young children. The Governor also recommends closure of the Substance Abuse units at Osawatomie State Hospital and Larned State Hospital. The recommendation includes funding of \$1,210,000 to establish community-based substance abuse treatment programs in Larned and Osawatomie. Funding for the new programs will be offset by savings realized in hospital budgets by closing the existing units.

**Vocational Rehabilitation Salary Upgrades.** The Governor recommends the reallocation of existing resources within the approved FY 1992 budget to allow the implementation of a classification study for disability determination and vocational rehabilitation staff. Funding for the salary improvements will require expenditure of \$600,320 and will improve the state's ability to recruit and retain quality employees.

**Shift of Housing Programs.** For FY 1993, \$8,023,215 and 5.0 FTE positions formerly budgeted in the Department of Social and Rehabilitation Services will be shifted to the Department of Commerce and Housing. The shift will include the Weatherization Program and Community Services Block Grant administration activities. These will become part of the housing function within the reorganized agency structure.

**Report on Kansas**  
**Legislative Interim Studies**  
to the  
**1992 Legislature**

**SPECIAL COMMITTEE ON  
CHILDREN'S INITIATIVES**

**A Blueprint for Investing in the Future  
of Kansas Children and Families**

Filed With the Legislative Coordinating Council  
December, 1991

## TARGETED STRATEGIES

### Target I. Greater Support to Children and Their Families

We see a [state] that offers support and assistance to families before problems become crises and provides help in a way that neither belittles nor stigmatizes parents and children. From *Beyond Rhetoric*.

- o One in four children in the United States lives with only one parent.
- o Fifty-eight percent of mothers whose youngest child is under six years old are in the workforce.
- o By the year 2000, 70 percent of mothers of children under age six will be in the workforce.
- o Uncollected child support in Kansas is estimated to total \$200 million.

- A. STATE AND LOCAL PROGRAMS WHICH HELP CHILDREN SHOULD ALSO HELP STRENGTHEN THE ENTIRE FAMILY. WHEN PARENTS CANNOT GIVE ADEQUATE CARE, THE STATE AND LOCAL COMMUNITIES MUST PROVIDE THE KIND OF ASSISTANCE THAT TEACHES THEM TO NURTURE THEIR CHILDREN. PROGRAMS MUST BE SENSITIVE TO CULTURAL DIFFERENCES TOWARD CHILD-REARING PRACTICES. WHEN FAMILIES FAIL THEN THE STATE MUST PROVIDE A NURTURING ALTERNATIVE ENVIRONMENT FOR THE CHILD. EVERY CHILD SHOULD HAVE AT LEAST ONE CARING ADULT AS A CONTINUOUS POSITIVE FORCE IN THAT CHILD'S LIFE.

The Committee recommends the following strategies to address this target:

#### 1. *Family Support Programs*

*Every year, beginning in FY 1993, the state must increase financial support of programs that strengthen families by a minimum of 15 percent until resources for family support programs are doubled. Additional funding should be sought only when no further redirection of current resources is possible. In Kansas, we are expending over a billion dollars in state and federal funds in the current fiscal year for children's programs; however, only 6 percent of this funding is targeted towards programs which strengthen the entire family.*

**Target V. Modify Service Delivery Systems**

Many children who spend part of their childhood in out-of-home placement become able and productive adults despite their traumatic experiences. Too many others, however, develop an impaired self-image, encounter difficulty in establishing emotional intimacy, and suffer an unresolved sense of loss. From *Beyond Rhetoric*.

- The number of children and youth in custody of Social and Rehabilitation Services has increased 28 percent since 1985.
- Since 1980, the number of Black children in custody has increased 74 percent.
- Since 1980, the number of Hispanic children in custody has increased 88 percent.
- According to "Kids Count," Kansas ranks seventh highest in the United States in the rate of juvenile incarceration (1987.)

- A. **IMPROVE COORDINATION. THE STATE SHOULD DEVELOP AN INTEGRATED SYSTEM FOR CHILDREN'S SERVICES THAT IMPLEMENTS A STATEWIDE INVESTMENT STRATEGY INVOLVING SOCIAL SERVICE, JUDICIAL, HEALTH, MENTAL HEALTH AND EDUCATIONAL AGENCIES AT ALL LEVELS OF GOVERNMENT. SUCH A COORDINATED SYSTEM MUST BE BASED UPON A COOPERATIVE RELATIONSHIP BETWEEN SCHOOLS, SOCIAL AGENCIES, BUSINESS, COMMUNITY PROGRAMS, AND THE COURTS. THE STATE SHOULD DEVELOP, AS A FIRST STEP, A COMPLETE INVENTORY OF PROGRAMS AND EVALUATE HOW WELL AND HOW COST-EFFECTIVELY THEY MEET BASIC NEEDS OF CHILDREN AND WHERE SCARCE RESOURCES MIGHT BE REALLOCATED. PROGRAMS THAT ADDRESS THE NEEDS OF CHILDREN AND FAMILIES MUST BE FLEXIBLE IN DESIGN, ADMINISTRATION, AND FUNDING, AND SHOULD ALLOW SERVICE PROVIDERS TO PACKAGE AN APPROPRIATE ARRAY OF SERVICES FOR A CHILD, FREE FROM SOME OF THE CONSTRAINTS IMPOSED BY STATE OR FEDERAL FUNDING.**

As noted earlier, the current governmental structure, despite intermittent efforts at restructuring, remains cumbersome and impedes coordination for children and family services.

The Committee is encouraged by the Governor's creation of the Kansas Commission on Children, Youth, and Families, and believes its charge to evaluate existing state agencies and to report by January, 1993 on ways to consolidate services to promote efficiency and reduce duplication and fragmentation of services will be very beneficial to the state.

The Committee has observed that, while individual programs within an agency may have been evaluated, the duplication, overlapping functions, and coordination between agencies is seldom reviewed with respect to children's programs. Similar programs in different agencies should be examined to see if there is need for consolidation,



### Kansas Children

<u>Race or Origin</u>	<u>Percent (1990)</u>
White	87.1%
Black	7.3
Asian	1.5
Native American	1.1
Hispanic	5.6

### Poverty

#### United States

In 1991, the federal poverty level for a family of three is \$11,140 annually or \$928 per month, an increase of 5.5 percent above the 1990 federal poverty level.

The United States Census Bureau estimates that 13.5 percent of Americans lived in poverty in 1990, an increase of 6.7 percent from 1989. Of all families, 10.7 percent were poor. Of all poor persons, 40 percent were children. Of all children, 20.6 percent were poor, making children the poorest population group. One in five children, equating to approximately 13 million nationwide, lived in poverty. One in four infants and toddlers were poor.

Children living in single-parent families were much more likely to be poor than those living in two-parent households:

#### Poverty in the United States by Family Type -- 1990

<u>Head of Household</u>	<u>% of All Poor Families</u>	<u>Rate of Poverty (%)</u>
Single Mother	53.1	43.0
Married Couple	42.0	5.7
All Families	100.0	10.7

These statistics suggest that family disruption significantly affects the economic status of children. According to a study by the U.S. Census Bureau, children whose fathers leave the home experience a net drop of 37 percent in mean monthly family income. Mean family income for all children in one-parent families is only 59 percent of the mean family income in two-parent families.

In 1990, there also were significant racial differences in poverty rates in the United States. The Black poverty rate for the population as a whole was 31.9 percent, the highest for any racial or ethnic group; the Hispanic

The number of children and youth in Social and Rehabilitation Services' custody has increased by 18 percent since 1980, with a 28 percent increase since 1985. In addition, minority children in custody increased disproportionately to the rate of growth as a whole.

Since 1980 the number of children by race or ethnic group in the custody of Social and Rehabilitation Services has increased as noted below:

- Black children by 74 percent;
- Hispanic children by 88 percent;
- Native American children by 41 percent;
- Asian American children by 26 percent; and
- White children by 4 percent.

Since 1980 the number of agency social service field staff has declined by 24 percent. The Legislative Division of Post Audit estimates the average foster care caseload for Department social workers is 35, or more than twice the standard established by the Child Welfare League of America.

National studies show a 60 percent increase in out-of-home mental health placements for children from 1983 to 1986. According to "Kids Count," Kansas is in the top ten in the percent of children in psychiatric facilities.

Funding in Kansas has been targeted primarily toward out-of-home or institutional placement rather than toward family services. For example, in FY 1992, nearly \$48 million is allocated to foster care, but only \$3.0 million is allocated to family services. Less than 5 percent of all expenditures in the Department of Social and Rehabilitation Services for children is expended for prevention of out-of-home placement.

According to a study done by the University of Kansas School of Social Welfare, Kansas expends more than \$110.0 million a year to assist 10,000 children with emotional disturbances, or an average of \$11,000 per year per child. The same study estimates that a total of 32,000 Kansas children need services, but only one-third receive such services, primarily in expensive, out-of-home placement.

### High Risk Behaviors

#### **Teen Pregnancy**

According to the National Commission on Children, each year half a million babies are born to teen mothers. Most are unmarried, have not completed their education, and have few prospects for an economically secure future. The child of a mother who is herself a child faces increased risk of the pregnancy outcome, including low birth weight and its attendant developmental problems that may plague the child in either a mild or serious form for a lifetime.

## General Conclusions and Recommendations

The Special Committee on Children's Initiatives has presented a *Blueprint for Investing in the Future of Kansas Children and Families* that the members hope will be widely circulated and discussed by Kansans at all levels and in varied settings. The members recommend the blueprint be used by the Governor and the Legislature as a guide in making decisions about the continuation or expansion of existing programs serving children and their families, in making decisions about the initiation of new programs, and in assigning priorities for the investment of Kansas tax dollars.

The members concluded that state agencies should be asked to contribute their assistance and expertise in preparing more specific plans for implementing the blueprint, along with personnel and cost estimates, and timeliness for action by the legislative and executive branches of state government. Accordingly, the Committee has asked various of the state agencies to submit more detailed material in time for consideration by the 1992 Legislature. The work product of the agencies will be available in the form of an appendix to this report at the time the Legislature convenes or shortly thereafter.

The Committee also concluded that certain of the recommendations embodied in the blueprint should be presented to the 1992 Legislature in the form of bills and has directed that legislation be prepared for introduction as interim committee bills. Because of deadlines created by a statewide conference and for printing, it was not possible to make the proposed legislation a part of this report; however, the members recommend that the 1992 Legislature give appropriate consideration to the proposed legislation drafted by the Special Committee on Children's Initiatives and enact it in substantially the form proposed by the Committee.

Finally, the members of the Special Committee on Children's Initiatives recommend that the people of Kansas make the future of our children and their families a priority in order that Kansas may enter the next century with children and youth who have been nurtured by their families and communities, who have been prepared to function successfully in the workplace of the future, and who have been prepared to exercise the responsibilities of citizenship and leadership they inherit.

5. **Termination of Parental Rights**

*Periodically review statutes relating to parental rights and the termination of such rights in light of the state's goal of preventive services and timely permanent placement of children. Give consideration to the length of time a child is in foster care as a factor in determining severance of parental rights.*

6. **Parental Responsibility**

*Inform parents of their continuing parental responsibility when a child is removed from the home. Develop a sample judicial order that details continuing parental responsibilities as determined by the court, including financial responsibility for out-of-home care, participation in family counseling, and parenting classes.*

7. **Statewide Foster Care Review Boards**

*Enact legislation to mandate the creation of foster care review boards statewide, with responsibility for local review of decisions relating to out-of-home placement, reintegration and permanency planning, and other responsibilities as set out in the legislation. (A board is currently utilized in Douglas County.)*

8. **Training for Guardians Ad Litem and Judges**

*Require training for guardians ad litem and judges and support permanency planning task force recommendations in this area, including the development of training modules and evaluation measures for determining the effectiveness and impact on the system of such training.*

9. **Liaison Committees**

*Encourage the implementation of court-education-Social and Rehabilitation Services liaison committees in all counties.*

10. **Community-Based Juvenile Offender Services**

*Develop community and family-based services for juvenile offenders, including day reporting, a tracker system, and purchase-of-service flexibility. In conjunction with such development, review the mission of current juvenile offender institutions.*

11. **Juvenile Community Corrections Plans**

*Mandate that judicial districts in Kansas develop a community corrections plan for youth most at risk of institutional placement.*

**12. Protective Custody Standards**

*Increase the length of time that children can remain in police protective custody in emergency shelters or emergency foster homes from 48 to 72 hours. This will provide emergency shelter staff and Department of Social and Rehabilitation Services' staff more time to identify relative resources.*

**13. Private Psychiatric Beds**

*Establish a state policy on the number of nonstate, private psychiatric beds for children that are eligible for reimbursement and establish a system for limiting the number of beds in the state for the purpose of reducing institutionalization.*

**14. Kinship Care**

*Encourage the expansion of kinship or relative foster care through the development of flexible standards and funding, with support to families needing assistance in meeting established standards.*

**15. Review Procedures for Children**

*Request the Kansas Bar Association, the Kansas Trial Lawyers Association, and the District Attorneys Association to convene a task force to review administrative procedures relating to out-of-home placements for children in Kansas. Request recommendations to the 1993 Legislature for any needed changes.*

**16. Insurance Regulations**

*Seek legislative changes in insurance regulations that encourage hospital placement over community-based treatment. Work with the insurance industry to adjust private coverage plans to reduce any bias toward institutional treatment.*

**Report on Kansas  
Legislative Interim Studies  
to the  
1992 Legislature**

**TASK FORCE ON  
SOCIAL AND REHABILITATION SERVICES**

**Filed With the Legislative Coordinating Council**

**January, 1992**

The Subcommittee recommends that the long-term goal to be implemented through the development of an adequate in-home and community long-term care system be a decrease in the adult care home population, and in the short-term, holding the population static.

## 5. Children and Youth Services

The Subcommittee believes that foster care should not be utilized simply because there are too few alternatives in the form of concentrated family based services.

The Subcommittee, following review of the preliminary draft of the *Social and Rehabilitation Services Family Agenda for Children and Youth*, is impressed with the initiatives that would redirect child protective services from reactive to proactive and would redirect major child protection services to a prevention model. The Subcommittee strongly endorses the three-year plan.

The Subcommittee believes that, over the long-term, the Social and Rehabilitation Services proposals for redirection of services for children and youth offer promise for eventual significant reduction in the foster care caseload and the number of children who are placed in the custody of Social and Rehabilitation Services. The Subcommittee further recommends that as this plan is implemented, consideration be given to developing targeted goals for the number of foster care placements. The Subcommittee urges Social and Rehabilitation Services to determine how many children and youth now in foster care can be returned to their homes if intensive family support services are available.

The Subcommittee recommends expansion of the family support program to mentally ill and emotionally disturbed children after evaluation of the currently authorized program for the mentally retarded.

The Subcommittee recommends statewide expansion of citizen review boards similar to the board operating in Douglas County.

## 6. Legislation

The Subcommittee recommends the passage of legislation to require that Social and Rehabilitation Services be given notice and opportunity for input prior to any placement of a child in need of care in the custody of the Secretary to allow the agency an opportunity to evaluate the potential for family support and preservative services as an alternative to out-of-home placement.

The Subcommittee recommends the introduction of legislation to restrict the authority of the court in making direct placements to the state's youth centers, except in the case of juvenile offenses that are equivalent to a class A, B, or C felony.

### Subcommittee Charge

The Subcommittee on Prevention was directed by the Social and Rehabilitation Services Task Force to study and make recommendations in regard to means of shifting the emphasis of the social services system to prevention, early intervention, in-home, family, and community-centered services.

who may become separated from their families and communities through out-of-home placement. Children and youth who become involved in the juvenile justice system also were a focus of concern. A number of recommendations emanated from the 1990 Task Force and from the program audits conducted by the Legislative Division of Post Audit.

A great deal of legislative, executive, and private sector attention in Kansas has been devoted to issues relating to children and their families over the past year, with much of such discussion hinging on the preservation of intact families and the delivery of services that prevent removal of children from family settings. 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. The number of children and youth in the custody of the Secretary of Social and Rehabilitation Services is up 18 percent since 1980 and up 28 percent since 1985. While the number of White children in state custody has increased by only 4 percent since 1980, minority children and youth increased at a substantially higher rate -- Black children by 74 percent; Hispanic children by 88 percent; Native American children by 41 percent; and Asian American children by 26 percent. During the same period, the professional field staff available to address child protection services decreased by 24 percent. The agency's foster care budget was \$23 million in FY 1987 and has grown 109 percent to nearly \$48 million in FY 1992.

During the interim, the Department of Social and Rehabilitation Services, in conjunction with the Child Welfare League of America which served as a consultant, carried out a comprehensive program analysis and planning process in regard to the delivery of services impacting children. The Subcommittee had an opportunity to review the initial proposals for change that arose from the evaluation and planning process and to hear the reactions of children's advocate groups and service providers. The *Social and Rehabilitation Services Family Agenda for Children and Youth* is a three-year plan that sets out an agenda for the Department and the private sector agencies with which the Department contracts for services. The three-year plan is divided into five clusters, each of which is further divided into specific initiatives. The five main clusters are:

- helping families to care for their children safely,
- improving out-of-home care for children when placement is necessary,
- working with juvenile offenders, including help for troubled children and their families while providing for the public safety,
- involving communities and other systems in the care and protection of Kansas children, and
- strengthening the Department's capacity to better serve children and families.

The 1990 Social and Rehabilitation Services Task Force considered the creation of one or more pilot programs to demonstrate the use of local children's authorities as a means to localize children's services in Kansas. The Task Force found there are legal, service delivery, and funding issues to be resolved in the creation and operation of such authorities. Further, there was considerable opposition to implementation of the concept which was authored by a member of the Task Force. (For a more detailed explanation of the children's authority concept, see Section IV of the *Task Force on Social and Rehabilitation Services Report and Recommendations to the 1991 Legislature*.) Since June, the Department of Social and Rehabilitation Services has actively worked with the Beach Center on Families and Disabilities and the School of Social Welfare at the University of Kansas to develop a pilot study of the local youth authority concept. The concept attempts to address perceived problems of duplication, inflexibility, coordination, inefficiency, and over-reliance on institutional care in the delivery of social services. The pilot project being developed in Sedgwick County is not yet operational but a steering committee has been formed to develop the goals for and the membership of a board to be called the Family and Youth



268-1142

108 S-5  
KCK  
66/02

Name: Mary Anne Suse  
Birthdate: November 10, 1956  
Age: 35 years old  
Marital Status: Divorced

District Court of Wyandotte County, Kansas  
Juvenile Division

Case Number: 91JC00256 SRS  
Name: Seth Andrew Suse Placement  
Birthdate: 2/19/87 Over 1 year  
Age: 5 years old

Case Number: 91JC00257 <sup>5/20/91</sup> 91JC00720  
Name: Melissa Marie Austin SRSCostaly  
Birthdate: 10/14/83 2/19/91  
Age: 8 years old PLACEMENT  
WITH FATHER  
Dismissed without prejudice 5/16/91 - Refiled 5/20/91

Case Number: 91JC00258 SRSCostaly  
Name: Gregory Edward Suse 2/19/91  
Birthdate: 19 months Foster Care  
Dismissed without prejudice 5/16/91 At Present  
5/20 91JC00719

Levate Suse  
att #3  
3-20-92

My concerns are that one person, one Social Worker from S.R.S., has too much power and authority! My former Social Worker Lorita Crane, who was court ordered off my case, had provided allegations, reasons & conclusions that have been never substantiated in order to place my children in foster care. How many other cases, in the state of KANSAS, have been presented to the judge in this fashion? Many children are interviewed alone, without witnesses, who are unbiased. There were no tape recordings or videotaping of my children's interviews. My son's (Seth) school teacher - Jane Fleet (Ms. Ed. KCK USD 500 Lamb Early Development Pre-School) testified Monday 1/11/91, in court, as to the manner of which my son was interviewed by Lorita Crane. Ms. Fleet stated that Ms Crane, roughly grabbed Seth's arm & said "You are coming with me," She stated Seth was 3 1/2 years old, was very nervous & scared, the first time she ever saw Seth in this manner. Ms. Fleet, fortunately, stayed in the room & witnessed the interview. Seth never looked at Ms. Crane, just stared at the floor, Ms. Crane's question. "Does your mom drink a lot?" Seth "Yuh-huh" "Does your mom act inappropriately after she drinks?" Seth "Yuh-huh" Ms. Crane was in a harsh, nervous, panic, cold state, Ms. Fleet reassured Seth he had done nothing wrong, & when she was alone with him, asked him, "Seth are you a girl?" Seth said "Yuh-huh." This is available on the court transcript (1/11/91) Also Stated by Ms. Fleet - 3 & 4 year olds do not understand the concept of yes or no, let alone "inappropriately." Somethings listed in the 2/19/91 petition were never asked to Seth.

My daughter Melissa, 7, at that time, told me she did not know what drunk was & Ms. Crane told her, repeatedly to answer "Yes or No." Melissa told me she thought "Yes" was the right answer.

FACT: 1/24/91 Lorita Crane & a unidentified social worker walked in my house without knocking, I stated to Ms Crane I wanted to talk with her supervisor. and was willing to have an investigation but not with Ms. Crane as she had a vendetta against me. I also threatened to sue Ms. Crane for unlawful entry into my home. (Previous dealings in 1989 & 1990 with Ms. Crane, regarding my -exhusband- William Walker & his son.)

ALLEGATION: I moved 15 times since 1988.

FACT: Can otherwise document through Utility Bills And Voter Registration. Uses this to prove instability. Why is this not used against military families as unstable?

A fake police record was presented in 2/19/91 petitions.

FACT: My computerized police record shows most items dismissed & Ms. Crane's presentation of this most slanderous in most aspects.

FACT: DUI (1985 - approx 6 years prior) was listed as DUI due to refusal of a breath analysis I was accepted on diversion, by Dr. Bill Reeves, Wv. Co., completed diversionary program cooperatively. Also was advised that DUI diversion would not be used against me? This was one method used to "Prove" I am an alcoholic.

ALLEGATION: On 4/11/91 A VERY SLANDEROUS History of myself was given to Kansas University Hospital, Sexual Abuse Clinic, Dr Lynn Sheets, stating that I, was an IV drug abuser, that my boys Seth & Gregory were removed from our home, that my maternal rights were severed several years prior, with my 2 daughters & who have not lived with me for several years.

FACTS: All The Above Are FALSITIES! Diagnosed Approx. 4/89, while pregnant, with multiple allergies - from pollens to food, hospitalized 5 days due to allergies, began allergy shots. (Dr. Cynthia Romito, Humana Hospital of Overland Park) These are not IV's, but placed in the subcutaneous tissue above the elbow. Being employed as a licensed Practical Nurse, at various hospital settings, I have always been accountable for Scheduled Classified I, II & III under lock & key & have never been accused of or suspected of taking these or any drugs. We account for all these drugs at the end of our shift, prior to our leaving our assigned unit. No such concerns, allegations, or accusations have ever been placed with the board of Nursing (KS & Mo) regarding this or any other aspect of my career. Also note, I have never since 1984 (my licensure year) been involved in a malpractice lawsuit.

PLEASE, TAKE THIS VERY SERIOUSLY: A horrible injustice has been placed on my children & myself. It is horribly, painfully sad that all Therapist, doctors, Foster family, T.L.C. Workers, SRS officials, court officials have been given all this erroneous history in order to treat my children.

My son Seth, now 5 years old, has been treated in a very cruel manner, subjecting him to anal-Knee-Chest exams, pictures, placed in a psychiatric unit from 5/23/91 - 7/8/91, 7/8/91 - 9/18/91 in Wyandotte house, & 9/18/91 to ~~present~~<sup>1/92</sup> in an original foster and now relocated. As of 11/91 - Seth was on 3 psychotic drugs, undergone HIV, VDRL, Hepatitis testing. My psychiatric & Psychological evaluations state he is suffering separation anxiety. Seth's school testified that he did not smear BM, wet his pants, fight with his peers, call people "Mother-Fucker" but was affectionate, well-cared for, well groomed, very positive self esteem & EXCELLENT MOTHER-SON REPORT.

These negative behaviors - Seth displayed 5 days after removal from our home. My psychiatrist, Dr. Anya, & my psychologist, Dr. Roosa want & have recommended immediate return to our home.

On 10/08/91 Seth (4 years) was left unattended in the The Workers car, Katie Doyle, with the windows rolled up & the doors locked. Seth ended up in a moving car, down a cul-de-sac, missed another car & ran into shrubs in front of a house - head on! Ms. Doyle - never stayed in a visit until that day - she was there for 30 minutes. Unexcusable that our tax dollars are provided for this neglect.

On 10/22/91 - The worker, Katie Doyle, stated to foster mom, Karen Balzen (at that time) that she did not have a car seat. Karen offered for Katie to take her car seat to transport Gregory 16 months old - at the time. Katie refused. Gregory was transported in a bumper seat. Karen advised Katie that this was against

SRS, TLC Regulations & KANSAS STATUTES. Both of these incidences are documented, state evidence & horrible severe negligence. Fortunately, neither boys, were severely injured or KILLED in these incidents, and need we forget, these types of UNEXCUSABLE, OBVIOUS NEGLIGENCE DO TAKE LIVES!!!

What is going on with a Court Service Officer, who can have a review; report summary completed, typed up on 10/22/91, that I can document - when the review was not heard until 11/4/91 - continued to 11/14/91 continued to 12/5/91 (cancelled) to 12/30/91. No one in the system was even willing to listen to testimony from my Psychiatrist regarding my court ordered evaluations. They made their decision prior to hearing his testimony. This review report is full of Ms. Crane's original petition, which was dismissed without prejudice on 5/14/91 - For Gregory & Melissa.

ONE SOCIAL WORKER, Horita Crane, has the power to severe my visitation with my children due to the children becoming increasingly agitated & saddened after each visit." Also stated visits were for bonding & this goal was not being met. Melissa & Gregory's visits were reactivated sooner than Seth's. Since 2/19/91 - mid-August of 1991, I only saw Seth 3 hours & 40 minutes (6 months)

What CHILD WOULD NOT BE ANGRY & ACTING OUT! Our visitation is court ordered weekly, & with agreement of Seth's therapist. We see each other every other week - until the last week of 12/91. Now it's court ordered every other week. I was seeing 3 children - 2 hours a month!  
IS THIS WORKING TOWARD REINTEGRATION!!!

My Psychiatrist & Psychologist, have testified, my children & I should be reunited immediately & minimum visits should be 3-4 hours a visit - at least 3 times weekly.

My children are from different fathers, this is now a custody battle between us. Gregory's father, William Hinton Walker, broke my nose, plead guilty, was placed on 1 year probation, falsified a police report on me, later stated so in court, & told me he did this SRS allegation because I was in the process of suing him for back child support \$2100, & medical insurance he owed me. He is now the Knight of Shining Armour to SRS & his Attorney & Court. In 8/91 - he filed a motion to obtain custody of Gregory. There is so much more to this story, that I can document that are vital to this case. He was advised to begin counseling, therapy & evaluations in order to gain custody of Gregory. How convenient that he is seeing my daughters therapist, Celeste Cottingham of Wyandotte Mental Health. He is not Melissa's father. This is definitely a conflict of interest. Ms. Cottingham states otherwise in court 12/30/91, but also stated - She would be more biased for William Walker than myself. I was RAPED 8/13/90 by Norman Union. He was caught 8 months later. My children & I lived in fear the entire time as he was on the loose. leaving my children alone, allegation, never happened, and my neighbors have verified. Ms. Crane, & any other court

personnel refused to talk with such individuals.

NORMAN Union, my rapist, I prosecuted while undergoing the tragic loss of my children, and my mother, who died 2 weeks after my rape. MY CONVICTED RAPIST HAS MORE RIGHTS THAN MY CHILDREN OR ME DO. HE WAS ENTITLED TO KNOW HIS ACCUSER, ALLEGATIONS OF RAPE HAD TO BE PROVEN & HE PLEAD GUILTY TO A PLEA BARGAIN OTHERWISE HE WAS ENTITLED TO A JURY TRIAL.

That's more than our children receive. He is serving 15-life. AT LEAST A CONVICTED FELON IS ENTITLED TO SEE HIS CHILDREN EVERY WEEK-END FOR SEVERAL HOURS! (IN MOST CASES!)

I PRAYED TO MY GOD, IF ONLY I COULD HAVE HAD A JURY TRIAL!

Start In November, 1991, Rep. Sherman Jones, Donna Whiteman, held a meeting for our group at the VERVOU Center. NO other Representatives or Senators were invited. I requested an investigation in my case. Yes, Donna Whiteman, referred me to Robena Farrell, SRS-WY Co. On butzman. Ms. Farrell was aware, I had no phone & correspondence necessitated through the mail. I have since talked to her one time, a few days prior to Thanksgiving. HAVE YET TO hear from her since



It's Ashamed & Disgrace that our Onbutsman is  
A SRS Salaried Employee. How more biased can  
one be!

DONNA Whiteman, typed a letter 12/6/91. MARKED  
(POSTMARKED 1/6/92), a few days before the WY.  
Co. Delegation of legislatures met.

Our Children's issues - had to wait - until after  
Tax issues, horse track issues, attorney (Public  
Defenders office issues etc. were discussed. I'm  
Biased, but we received very little time for such  
a major issue. Where ~~our~~ are our priorities!  
Our children will be voted in office someday!  
While we are in our rocking chairs wondering  
why they don't help us.

PLEASE WAKE UP & SEE THAT THE SRS ISSUE  
MUST TAKE PRECEDENCE OVER MANY ISSUES.

I agree - A governing board - of 12 unbiased  
citizens - should be entitled to decide if children  
should be removed from homes. Some states are  
currently doing this. UNKNOWN ACCUSERS should have  
to present themselves. If found guilty of perjuring  
themselves, should have to be convicted ~~of~~ as a  
felon. VERY STIFF PENALTIES should occur! These  
cases should be given jury trials.

All means, should be attempted before resulting  
to removal from homes. As in my case, substance abuse  
evaluations, parenting classes, therapy, interviews of family  
& friends.

On last note: Since Rep. Jones, Donna Whitemans, & VOCALS meeting at Vernon Center (11/91) - A new allegation in 12/91 arose. Sexual Innuendo of me touching Seth's private parts. So now my visits are severed once again. I requested to my attorney Aline Pryor - that I would submit to hypnosis & a lie detector test - regarding that crap. It's just one more way to definitely find my unfit! I have spent \$100/hr for my psychiatrist & psychologist & still Am in debt. I now owe my attorney \$3500+ dollars and effective 2/20/91 - she has filed a motion to withdraw. How does a single parent pay for unbiased doctors, attorneys for such cases. This will be used against me as uncooperative, uninterested in my children. This is not true. I'm financially exhausted, off work due to a back injury since 12/6/91. I see No signs of Reunification of my family. This nightmare has caused much psychological pain to my children. My children are Not Adults to Sort & evaluate this situation, as we are as adults. I LOVE MY CHILDREN MORE THAN ANYONE KNOWS, MORE THAN MY HEART HURTS, MORE THAN MY TEARS FLOW. I HOLD MY HEAD UP HIGH, EVEN WHEN I CRY! I FEEL A LOSS - MUCH WORSE THAN MY RAPE, MY MOM'S DEATH (2 weeks later), MY BROKEN NOSE FROM MY EX HUSBAND, MY HOUSE FIRE - WE LOST EVERYTHING (3 months later) I WILL DEVOTELY REBUILD OUR LIVES, JUST LIKE MY TOTALLED OUT HOUSE, WITH A STRONGER FOUNDATION AND NEWER WALLS - NO WORDS EXIST FOR THIS LOVE OR LOSS

Yours Sincerely  
Mary Anne D'Amore  
108 South 15th  
Kansas City, Kansas 66102

## PROPOSAL FOR KANSAS LAWS TO PROTECT CHILD WELFARE

The proposals listed here are suggested as changes to Kansas law in order to protect the children of Kansas better. The children of Kansas are at great risk of child abuse even with our current Kansas laws.

The greatest tragedy of abuse is that some Kansas state employees are abusing children and their families on a regular basis. They abuse children in the name of protecting them. In many cases SRS employees take excessive actions which result in great psychological scarring of children and their families. Many children are held against their will by the SRS for more than one year from their families. We must continue to maintain strong laws to protect children from abusers, but the proposals in this letter are specifically targeted to protect children from state employed abusers.

Court actions against families in child abuse cases are usually against families who cannot afford to hire adequate counsel to defend themselves. Court appointed defense counsel is likely to underserve these cases due to the low pay. They are more likely to suggest that family members plead guilty to abuse, thus to shorten the length of the case.

Court actions are very expensive and frequently cause families to go deep into debt whether the family is innocent or guilty of abuse. After these actions many families are financially unable both to care for their children and to pay their debts.

The best hope for improving this system is to design it to be self-correcting. The current "system" works to reward the SRS and professionals if an unwarranted child abuse case is opened. This is very dangerous. The "system" should be changed to reward all concerned when children are not removed from the home and when cases are quickly closed or treated in the home.

In the following proposals, the term family is used to mean the person(s) who normally care for the children: parents, grandparents, legal guardians, sibling or other relative (whoever normally cares for the children).

- 1) **NORMAL FUNCTIONS OF CHILD RAISING** - Actions which are normally required for the welfare of a child shall not be construed as abnormal except when those actions result in abnormal injury to the child.

**REASON:** Cases against parents for breast feeding, for cleaning genitals when changing diapers, for bathing small children, or for discipline of children. (A good yardstick in court cases may be to take a survey of licensed state psychologists: if 90% agree an action is detrimental to the child, then it should be prosecutable.)

- 2) **VIDEOTAPE INTERVIEWS** - All interviews of children by any state or local governmental agency, or their agents, shall be videotaped.

**REASON:** To ensure that children are not abused or programmed to think a certain way by interviewer's questioning. Questions are sometimes unintentionally slanted and teach children what they are expected to say. These tapes should be used in court cases as evidence. SRS employees sometimes break SRS rules in these interviews but this cannot be proven without video tapes.

*Senate Bill  
att'n # 4  
3-20-92*

- 3) **KEEP THE CHILD AT HOME** - Children shall not be removed from their home for more than 3 working days except when there is clear evidence that their health is in serious danger. After a child has been removed from their home for the first 3 days, and again every 30 days thereafter of family separation, a court hearing shall be held to determine whether the harm to the children of being held against their will is actually better than returning the children to their home.

All children of age 2 or greater shall be interviewed by the court and asked whether they prefer to return home. It shall be assumed that a child's welfare is greatest at home, unless strong evidence is given to indicate otherwise at the court hearing. The family and their representatives shall be guaranteed the right to speak in the defense of the children and their family. This right may be forfeited only with the express consent of the family.

**REASON:** Forcing a child against their will to leave their home is very frightening to a child and may leave deep emotional scars. Actions to remove a child from the home are as devastating to the child as kidnapping: the child is taken by force, the parents are unable to stop it, the child is placed with strangers or people that the children fear. Some children are abused in foster homes -- this danger should be considered.

- 4) **EXPENSES PAID** - A state licensed attorney shall be made available as a public defender for the family in all cases. The fees of all state licensed psychologists, psychiatrists, and medical doctors shall be paid by the state whenever necessary to defend the interests of the family.

**REASON:** The families in most of these cases are poor. They are frequently financially devastated by the actions of the SRS or the state courts. The family must be allowed to maintain the financial ability to feed and care for their children after the family is reunited. (A legal description of the few families who are not in need would be difficult and counter-productive. It is better to err in favor of the family rather than against it.)

- 5) **CHECKS AND BALANCES** - Local committees shall be created for the purpose of investigating SRS actions whenever requested. A committee shall be formed in every community that houses an SRS office. Those serving on this committee shall be volunteers from the local community. There shall be no salary or remuneration for any committee member.

The SRS shall provide office space, telephones, furnishings, and environment necessary to allow each committee to perform its authorized functions. This committee shall be authorized to subpoena SRS case records as necessary to perform an investigation. If necessary, this committee shall hire legal counsel of its choosing and reasonable fees shall be paid by SRS.

As an interim measure, the local county commission would determine who is to serve on each committee after advertising in the major local news media.

**REASON:** Our forefathers wrote the U.S. Constitution in such a way as to protect the citizens from their government. They based the U.S. system of government upon a system of "checks and balances" so that no one government entity could make inappropriate use of its ability and power to hurt citizens. There is currently no entity balancing the total power of the SRS.

**6) LIST OF SUPPORT ORGANIZATIONS:** The SRS shall give a written listing to every family involved in any SRS action, listing the telephone number and address for the SRS Ombudsman, for the Office of Governor's Constituent Representatives, and for other organizations that may assist and advise the family in its legal defense. Any organization shall be added to this list within 2 weeks of their request to be added. This listing shall be given to the family within 24 hours of removing any family member from the family.

**REASON:** Most families do not realize that there are organizations which can explain to them their options in dealing with the SRS. It is not in the interest of the SRS to explain these options, so this must be done by other organizations.

**7) COURT EXTENSIONS** - Court hearings may not be rescheduled more than 5 working days apart except with the express permission of the family. Each and every time that an extension is made, the court shall make a determination whether the extension is to the benefit of the children, and it shall list the reasons why.

**REASON:** Court hearings are routinely rescheduled 4 weeks or more from the last hearing. Children are frequently removed from their parents care for over one year. We must assume that the welfare of most children is best served by them being in the care of their parents, and when separated, extreme efforts should be made to quickly reunite them.

**8) OPEN RECORDS** - The family shall have full access to all court records including a full recording of all meetings by the Judge in private quarters on the case. These records shall be made available to the family within 4 working days and in all cases a minimum of 12 hours before the next court hearing.

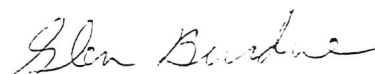
**REASON:** The family is frequently unable to find out what private deals were made behind closed doors between their court-appointed defense counsel and the Judge. This leaves open the possibility of deals made that are not in the interest of the family.

Other changes to state law should be made to allow for prosecution of government employees who take actions for the purpose of hurting a family. It is currently almost impossible to get justice in such cases.

The state legislature should meet in a special session for the specific purpose of protecting our children. They are our future and should be treated as our most important item of business.

The author of this letter has never at any time been investigated by the SRS and has witnessed but never experienced the alleged abuses of "the system."

Sincerely,



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

## SENATE BILL No. 672

By Committee on Public Health and Welfare

2-13

8 AN ACT concerning the Kansas code for care of children; amending  
9 K.S.A. 38-1562, 38-1564, 38-1582 and 38-1591 and K.S.A. 1991  
10 Supp. 38-1563, 38-1583 and 38-1584 and repealing the existing  
11 sections.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 38-1562 is hereby amended to read as follows:  
15 38-1562. (a) At any time after a child has been adjudicated to be a  
16 child in need of care and prior to disposition, the judge shall permit  
17 any interested parties, and any persons required to be notified pur-  
18 suant to subsection (b), to be heard as to proposals for appropriate  
19 disposition of the case.

20 (b) Before entering an order placing the child in the custody of  
21 a person other than the child's parent, the court shall require notice  
22 of the time and place of the hearing to be given to all the child's  
23 grandparents at their last known addresses ~~or, if no grandparent~~  
24 ~~is living or if no living grandparent's address is known, if~~  
25 *known, and* to the closest relative of each of the child's parents  
26 whose address is known. Such notice shall be given by restricted  
27 mail not less than 10 business days before the hearing and shall state  
28 that the person receiving the notice shall have an opportunity to be  
29 heard at the hearing. The provisions of this subsection shall not  
30 require additional notice to any person otherwise receiving notice  
31 of the hearing pursuant to K.S.A. 38-1536 and amendments thereto.

32 (c) Prior to entering an order of disposition, the court shall give  
33 consideration to the child's physical, mental and emotional condition;  
34 the child's need for assistance; the manner in which the parent  
35 participated in the abuse, neglect or abandonment of the child; and  
36 the evidence received at the dispositional hearing.

37 Sec. 2. K.S.A. 1991 Supp. 38-1563 is hereby amended to read  
38 as follows: 38-1563. (a) After consideration of any evidence offered  
39 relating to disposition, the court may retain jurisdiction and place  
40 the child in the custody of the child's parent subject to terms and  
41 conditions which the court prescribes to assure the proper care and  
42 protection of the child, including supervision of the child and the  
43 parent by a court services officer, or may order the child and the

1 parent to participate in programs operated by the secretary or an  
 2 other appropriate individual or agency. The terms and conditions  
 3 may require any special treatment or care which the child needs for  
 4 the child's physical, mental or emotional health.

5 (b) The duration of any period of supervision or other terms or  
 6 conditions shall be for an initial period of no more than 18 months.  
 7 The court, at the expiration of that period, upon a hearing and for  
 8 good cause shown, may make successive extensions of the supervision  
 9 or other terms or conditions for up to 12 months at a time.

10 (c) The court may order the child and the parents of any child  
 11 who has been adjudged a child in need of care to attend counseling  
 12 sessions as the court directs. The expense of the counseling may be  
 13 assessed as an expense in the case. No mental health center shall  
 14 charge a greater fee for court-ordered counseling than the center  
 15 would have charged to the person receiving counseling if the person  
 16 had requested counseling on the person's own initiative.

17 (d) If the court finds that placing the child in the custody of a  
 18 parent will not assure protection from physical, mental or emotional  
 19 abuse or neglect or sexual abuse or will not be in the best interests  
 20 of the child, the court shall enter an order awarding custody of the  
 21 child, until the further order of the court, to one of the following:

- 22 (1) A relative of the child or a person with whom the child has  
 23 close emotional ties;  
 24 (2) any other suitable person;  
 25 (3) a shelter facility; or  
 26 (4) the secretary.

27 In making such a custody order, the court shall give preference,  
 28 to the extent that the court finds it is in the best interests of  
 29 the child, first to granting grant custody to a relative of the child  
 30 and second to granting eustody of the child to a person with  
 31 whom the child has close emotional ties if the court finds that  
 32 such relative is willing and able to assume custody of the child and  
 33 that it is in the best interests of the child to grant custody to such  
 34 relative. If the court does not grant custody to a relative of the  
 35 child, the court shall give preference, to the extent that the court  
 36 finds it is in the best interests of the child, to granting custody of  
 37 the child to a person with whom the child has close emotional ties.

38 If the court has awarded legal custody based on the finding spec-  
 39 ified by this subsection, the legal custodian shall not return the child  
 40 to the home of that parent without the written consent of the court.

41 (e) When the custody of the child is awarded to the secretary:

- 42 (1) The court may recommend to the secretary where the child  
 43 should be placed, ~~but the court shall not have the power to direct~~

(there needs to be protection from any social  
 worker whose intent is solely to destroy a family.  
 The court may help.)

Normal



1 ~~a specific placement~~ and  
2 (2) the secretary shall notify the court in writing of any placement  
3 of the child as soon as the placement is accomplished.

4 (f) If custody of a child is awarded under this section to a person  
5 other than the child's parent, the court may grant any individual  
6 reasonable rights to visit the child upon motion of the individual  
7 and a finding that the visitation rights would be in the best interests  
8 of the child. ~~If visitation rights are denied, a written~~

*(this visitation should begin within 10 days of the initial request)*

9 (g) If the court issues an order of custody pursuant to this section,  
10 the court may enter an order restraining any alleged perpetrator of  
11 physical, sexual, mental or emotional abuse of the child from residing  
12 in the child's home; visiting, contacting, harassing or intimidating  
13 the child; or attempting to visit, contact, harass or intimidate the  
14 child. ~~The court shall list the alleged abuses and brief~~

*list of reasons shall be delivered by the court to this individual within 10 days.*

15 (h) The court shall not enter an order removing a child from the  
16 custody of a parent pursuant to this section unless the court first  
17 finds from evidence presented by the petitioner that reasonable ef-  
18 forts have been made to prevent or eliminate the need for removal  
19 of the child or that an emergency exists which threatens the safety  
20 of the child and requires the immediate removal of the child. Such  
21 findings shall be included in any order entered by the court.

*(Anyone can make an unfounded accusation. We must protect from that.) reasons why the allegations may be true of the accused.*

22 (i) In addition to or in lieu of any other order authorized by this  
23 section, if a child is adjudged to be a child in need of care by reason  
24 of a violation of the uniform controlled substances act (K.S.A. 65-  
25 4101 *et seq.* and amendments thereto) or K.S.A. 41-719, 41-804, 41-  
26 2719, 65-4152, 65-4153, 65-4154 or 65-4155, and amendments  
27 thereto, the court shall order the child to submit to and complete  
28 an alcohol and drug evaluation by a community-based alcohol and  
29 drug safety action program certified pursuant to K.S.A. 8-1008 and  
30 amendments thereto and to pay a fee not to exceed the fee estab-  
31 lished by that statute for such evaluation. If the court finds that the  
32 child and those legally liable for the child's support are indigent,  
33 the fee may be waived. In no event shall the fee be assessed against  
34 the secretary ~~of the department of social and rehabilitation services.~~

*(Most of these families are poor and cannot afford additional financial burdens and still feed their families.)*

35 Sec. 3. K.S.A. 38-1564 is hereby amended to read as follows:  
36 38-1564. (a) After the entry of any dispositional order, the court may  
37 rehear the matter on its own motion or the motion of any interested  
38 party. Upon notice to all interested parties and after the rehearing,  
39 the court may enter any dispositional order authorized by this code.

40 (b) Before entering an order placing the child in the custody of  
41 a person other than the child's parent, the court shall require notice  
42 of the time and place of the rehearing to be given to all the child's  
43 grandparents at their last known addresses ~~or, if no grandparent~~

to any legal guardian of the child, and  
to every person who has registered an  
interest in the child.

SB 672

4

1 is living or if no living grandparent's address is known, if  
2 known, ~~and~~ to the closest relative of each of the child's parents  
3 whose address is known. Such notice shall be given by restricted  
4 mail not less than 10 business days before the rehearing. The pro-  
5 visions of this subsection shall not require additional notice to any  
6 person otherwise receiving notice of the rehearing pursuant to K.S.A.  
7 38-1536 and amendments thereto.

8 Sec. 4. K.S.A. 38-1582 is hereby amended to read as follows:  
9 38-1582. (a) Upon receiving a petition or motion requesting termi-  
10 nation of parental rights the court shall set the time and place for  
11 the hearing on the request. ~~The hearing shall be held to the court~~  
12 ~~only, unless one or both parents, at least 10 business days prior to~~  
13 ~~the time of the hearing, requests in writing a hearing before a jury.~~  
14 ~~The jury, if one is requested, shall consist of six persons selected as~~  
15 ~~provided by law.~~

16 (b) The court shall give notice of the hearing as provided in  
17 K.S.A. 38-1533 and 38-1534 and amendments thereto. Prior to the  
18 commencement of the hearing the court shall determine that due  
19 diligence has been used in determining the identity of the interested  
20 parties and in accomplishing service of process.

21 (c) In any case in which a parent of a child cannot be located  
22 by the exercise of due diligence, service shall be made upon the  
23 child's nearest blood relative who can be located and upon the person  
24 with whom the child resides. Service by publication shall be ordered  
25 upon the parent.

26 (d) Prior to a hearing on a petition or a motion requesting ter-  
27 mination of parental rights, the court shall appoint an attorney to  
28 represent any parent who fails to appear and may award a reasonable  
29 fee to the attorney for services. The fee may be assessed as an  
30 expense in the proceedings.

31 Sec. 5. K.S.A. 1991 Supp. 38-1583 is hereby amended to read  
32 as follows: 38-1583. (a) When the child has been adjudicated to be  
33 a child in need of care, the court may terminate parental rights  
34 when the court or jury, if a hearing before a jury has been requested,  
35 finds by clear and convincing evidence that the parent is unfit by  
36 reason of conduct or condition which renders the parent unable to  
37 care properly for a child and the conduct or condition is unlikely to  
38 change in the foreseeable future.

39 (b) In making a determination hereunder the court or jury shall  
40 consider, but is not limited to, the following, if applicable:

41 (1) Emotional illness, mental illness, mental deficiency or physical  
42 disability of the parent, of such duration or nature as to render the  
43 parent unlikely to care for the ongoing physical, mental and emo-

5  
These persons shall be  
given a minimum of 5 days  
after notification of the  
jury option to make this  
request,

(Is the parent given 10 days  
notice, then they must request  
a jury that same day or  
they are too late?)

with assistance

(a paraplegic or mildly  
retarded parent may  
hire sufficient assistance  
to provide well for  
the child.)

- 1 tional needs of the child; *even with assistance;*
- 2 (2) conduct toward a child of a physically, emotionally or sexually
- 3 cruel or abusive nature;
- 4 (3) excessive use of intoxicating liquors or narcotic or dangerous
- 5 drugs;
- 6 (4) physical, mental or emotional neglect of the child;
- 7 (5) conviction of a felony and imprisonment;
- 8 (6) unexplained injury or death of a sibling;
- 9 (7) reasonable efforts by appropriate public or private child caring
- 10 agencies have been unable to rehabilitate the family; and

11 (8) lack of effort on the part of the parent to adjust the parent's

12 circumstances, conduct or conditions to meet the needs of the child.

13 (c) In addition to the foregoing, when a child is not in the physical

14 custody of a parent, the court *or jury*, in proceedings concerning

15 the termination of parental rights, shall also consider, but is not

16 limited to the following:

- 17 (1) Failure to assure care of the child in the parental home when
- 18 able to do so; *or attempt to maintain*
- 19 (2) failure to maintain *regular* visitation, contact or communica-
- 20 tion with the child or with the custodian of the child;
- 21 (3) failure to carry out a reasonable plan approved by the court
- 22 directed toward the integration of the child into the parental home;
- 23 and
- 24 (4) failure to pay a reasonable portion of the cost of substitute
- 25 physical care and maintenance based on ability to pay.

26 In making the above determination, the court *or jury* may dis-

27 regard incidental visitations, contacts, communications or

28 contributions.

29 (d) The rights of the parents may be terminated as provided in

30 this section if the court *or jury* finds that the parents have abandoned

31 the child or the child was left under such circumstances that the

32 identity of the parents is unknown and cannot be ascertained, despite

33 diligent searching, and the parents have not come forward to claim

34 the child within three months after the child is found.

35 (e) The existence of any one of the above standing alone may,

36 but does not necessarily, establish grounds for termination of parental

37 rights. The determination shall be based on an evaluation of all factors

38 which are applicable. In considering any of the above factors for

39 terminating the rights of a parent, the court *or jury* shall give primary

40 consideration to the physical, mental or emotional condition and

41 needs of the child. If presented to the court *or jury* and subject to

42 the provisions of K.S.A. 60-419, and amendments thereto, the court

43 *or jury* shall consider as evidence testimony from a person licensed

*(7) repeated neglect or abandonment, causing endangerment to the child.*

*(the parents may be hospitalized)*

1 to practice medicine and surgery, a licensed psychologist or a li-  
 2 censed social worker expressing an opinion relating to the physical,  
 3 mental or emotional condition and needs of the child. The court or  
 4 jury shall consider any such testimony only if the licensed profes-  
 5 sional providing such testimony is subject to cross-examination.

6 (f) *After entry of an order terminating parental rights, the court*  
 7 *on motion of any interested party shall rehear the matter pursuant*  
 8 *to K.S.A. 38-1564 and amendments thereto.*

9 Sec. 6. K.S.A. 1991 Supp. 38-1584 is hereby amended to read  
 10 as follows: 38-1584. (a) *Purpose of section.* The purpose of this section  
 11 is to provide stability in the life of a child who must be removed  
 12 from the home of a parent, to acknowledge that time perception of  
 13 a child differs from that of an adult and to make the ongoing physical,  
 14 mental and emotional needs of the child the decisive consideration  
 15 in proceedings under this section. The primary goal for all children  
 16 whose parents' parental rights have been terminated is placement  
 17 in a permanent family setting.

18 (b) *Notice of dispositional hearing.* After terminating parental  
 19 rights and before granting custody of the child for adoption pro-  
 20 ceedings or long-term foster care, the court shall require notice of  
 21 the time and place of the hearing on custody to be given to all the  
 22 child's grandparents ~~at their last known addresses or, if no grand-~~  
 23 ~~parent is living or if no living grandparent's address is known,~~  
 24 *if known, and to the closest relative of each of the child's parents*  
 25 *whose address is known. Such notice shall be given by restricted*  
 26 *mail not less than 10 business days before the hearing. The provisions*  
 27 *of this subsection shall not require additional notice to any person*  
 28 *otherwise receiving notice of the hearing pursuant to K.S.A. 38-1536*  
 29 *and amendments thereto.*

30 (c) *Actions by the court.* (1) *Custody for adoption.* When parental  
 31 rights have been terminated and it appears that adoption is a viable  
 32 alternative, the court shall enter one of the following orders:

33 (A) An order granting custody of the child, for adoption pro-  
 34 ceedings, to a reputable person of good moral character, the secretary  
 35 or a corporation organized under the laws of the state of Kansas  
 36 authorized to care for and surrender children for adoption as provided  
 37 in K.S.A. 38-112 *et seq.* and amendments thereto. The person,  
 38 secretary or corporation shall have authority to place the child in a  
 39 family home, be a party to proceedings and give consent for the  
 40 legal adoption of the child which shall be the only consent required  
 41 to authorize the entry of an order or decree of adoption.

42 (B) An order granting custody of the child to proposed adoptive  
 43 parents and consenting to the adoption of the child by the proposed

The court or jury shall  
 consider all testimony of  
 family and friends, when  
 testifying as non-professionals,  
 presented in defense of  
 the parents ability and  
 suitability to care for  
 the child providing such  
 testimony is subject to  
 cross examination.

(Common sense is often  
 more valuable than -  
 professional opinion.  
 A strong defense of the  
 family should be encouraged.)

Suggestions by:  
 Glen Burdue  
 316-943-8880

1 adoptive parents.

2 (2) *Custody for long-term foster care.* When parental rights have  
3 been terminated and it does not appear that adoption is a viable  
4 alternative, the court shall enter an order granting custody of the  
5 child for foster care to a reputable person of good moral character,  
6 a youth residential facility, the secretary or a corporation or asso-  
7 ciation willing to receive the child, embracing in its objectives the  
8 purpose of caring for or obtaining homes for children.

9 (3) *Preferences in custody for adoption or long-term foster care.*  
10 In making an order under subsection (c)(1) or (2), the court shall  
11 ~~give preference, to the extent that the court finds it is in the~~  
12 ~~best interests of the child, first to granting grant~~ such custody  
13 ~~to a relative of the child and second to granting such eustody to~~  
14 ~~a person with whom the child has close emotional ties if the~~  
15 ~~court finds that such relative is willing and able to assume custody~~  
16 ~~of the child and that it is in the best interests of the child to grant~~  
17 ~~custody to such relative. If the court does not grant custody to a~~  
18 ~~relative of the child, the court shall give preference, to the extent~~  
19 ~~that the court finds it is in the best interests of the child, to granting~~  
20 ~~custody of the child to a person with whom the child has close~~  
21 ~~emotional ties.~~

22 (d) *Guardian and conservator of child.* The secretary shall be  
23 guardian and conservator of any child placed in the secretary's cus-  
24 tody, subject to any prior conservatorship.

25 (e) *Reports and review of progress.* After parental rights have  
26 been terminated and up to the time an adoption has been accom-  
27 plished, the person or agency awarded custody of the child shall  
28 within 60 days submit a written plan for permanent placement which  
29 shall include measurable objectives and time schedules and shall  
30 thereafter not less frequently than each six months make a written  
31 report to the court stating the progress having been made toward  
32 finding an adoptive or long-term foster care placement for the child.  
33 Upon the receipt of each report the court shall review the contents  
34 thereof and determine whether or not a hearing should be held on  
35 the subject. In any case, the court shall notify all interested parties  
36 and hear evidence regarding progress toward finding an adoptive  
37 home or the acceptability of the long-term foster care plan within  
38 18 months after parental rights have been terminated and every 12  
39 months thereafter. If the court determines that inadequate progress  
40 is being made toward finding an adoptive placement or establishing  
41 an acceptable long-term foster care plan, the court may rescind its  
42 prior orders and make other orders regarding custody and adoption  
43 that are appropriate under the circumstances. Reports of a proposed

4-11

1 adoptive placement need not contain the identity of the proposed  
2 adoptive parents.

3 (f) *Discharge upon adoption.* When the adoption of a child has  
4 been accomplished, the court shall enter an order discharging the  
5 child from the court's jurisdiction in the pending proceedings.

6 Sec. 7. K.S.A. 38-1591 is hereby amended to read as follows:  
7 38-1591. (a) An appeal may be taken by any interested party from  
8 any adjudication, disposition, termination of parental rights or order  
9 of temporary custody in any proceedings pursuant to this code.

10 (b) An appeal from an order entered by a district magistrate judge  
11 shall be to a district judge. The appeal shall be heard *de novo* within  
12 30 days from the date the notice of appeal is filed.

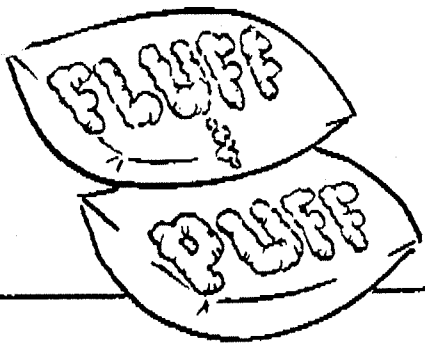
13 (c) Procedure on appeal shall be governed by article 21 of chapter  
14 60 of the Kansas Statutes Annotated.

15 (d) Appeals under this section, *other than appeals of termination*  
16 *of parental rights*, shall have priority over other cases except those  
17 having statutory priority. *Appeals under this section of termination*  
18 *of parental rights shall have priority over all other cases.*

19 Sec. 8. K.S.A. 38-1562, 38-1564, 38-1582 and 38-1591 and  
20 K.S.A. 1991 Supp. 38-1563, 38-1583 and 38-1584 are hereby  
21 repealed.

22 Sec. 9. This act shall take effect and be in force from and after  
23 its publication in the statute book.

The secretary shall make reasonable efforts to review  
any evidence volunteered by the family before court hearings,



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To Whom it may concern:

CUSTOM  
PILLOW  
TICKS

Since SRS in Kansas takes it upon themselves to take kids out of the house and then at there whim they decide that parental rights be severed without any proof that anythin has happened to the child or that the parents have not been convicted of the crime, I believe that the Senate Bill SB672 should be law.

POLY  
PILLOW  
BAGS

I have been in the process of getting SRS to let me have my daughter back and at one time SRS was going to severe my parental rights without any proof that what SRS said had happened had happened or that I had not been convicted of any crime and this was going to happened without any trial of my peers or no more than a hearing with only SRS saying what they had been saying for three years without any proof.

"FEATHERS  
N' DOWN"

This bill would a least let the person accused have a say in court and not be heard by anyone but whomever SRS wanted to hear and do to the person only accused.

PIL-O-BAR  
REPLACEMENT  
PARTS

If SRS can do whate ver they want in cases without having to prove this to a jury then we are no better than Russian's used to be. They never had a chance to prove they were right or wrong, the government just came in say they are guilty and shoot them. Is this what SRS want or do they want to find they do make mistakes and have the ~~xxx~~ chance to let families get back together.

Exclusive Manufacture and Sales of THE PIL-O-BAR, and Associated Products.

4-13

*Patricia J. Garrison  
Foster Parent*

February 24, 1992

Re: The Fondren Children and All Foster Care Children under the care of the Social and Rehabilitation Services - Kansas City, Kansas

To All Concerned:

On behalf of the above children, I am expressing in writing my concerns regarding the system of the Social Rehabilitation Services (SRS) in Kansas City, Kansas and again voice my concerns for Ronnell and Melissa Fondren and how the Fondren children are currently being treated.

It is supposed to be the operating policy of SRS to place children in homes that is for the best interest of the foster children. It is my opinion that SRS is destroying the children and their families instead of working to keep them together. I feel that some foster children are carelessly being placed in homes by SRS that do not have adequate or proper supervision. For example: SRS does not inspect foster homes properly as there are children being placed in foster homes where the older children of the home show no respect for the adults in the home, and in turn abuse and neglect the needs of the foster children placed in that home.

SRS has 1,900 children that need permanent homes and the Black Adoption Services have in its care 150 children. Why are homes broken up and destroyed to add to these mounting numbers of children being misplaced. SRS takes children out of loving homes and destroys them. The Fondren children was to be adopted some months ago, but Ronnell Fondren is still in a foster home where he is being abused. Children are not able to speak for themselves, but they can think. They are depending on adults to make the right decisions for them.

I watched SRS take six little children from a family because they lived at the time in the Salvation Army Shelter Home. I cannot understand why SRS didn't assist in finding a place for all of the family so that the family could stay together instead of paying more money to place the children in a home when the money spent could have been adequate to get this family on their feet and keep them together. They were content with breaking the family up instead of mending them together.

I have often wondered why many children are being shifted from house to house, door to door. As an example of the common thought of SRS, one social worker said "these children make my paycheck". It is fact that SRS and its social workers do not care for these children and have no concerns about the suffering they are experiencing. The social worker that make that remark is one who has never had a child, nor a husband, has contributed to messing up so many children lives and is now gone.

Children are supposed to be today's future. If someone does not help them now, they will be just like the "skid roe kids" out on the streets with no where to go and no hope for anything better.

*4-14*



The world is full of people who have been sexually, physically, and mentally abused, by not experiencing love in their lives causes them to turn into monster like Jeffery Dahmer, who killed for attention and love. If children were abused as children, sometime they will grow up to become abusive.

There are many foster parents that sincerely care and love the children that are placed in their homes and want good and positive things for them--this is apparently not the view of SRS. SRS teaches that you should not love the children like your own and you are penalized if you show too much love to the children. If we don't love the children then who will?

Today, there are dog lovers, cat lovers, animal rights activist, etc., but who is loving and caring for the well-being of the children? What has gone wrong with families? The bond that used to bond families is gone. The children are waiting patiently for someone to truly be concerned about them.

Romans 8:25 says "But if we hope for that which we see not, then do we with patience wait for it."

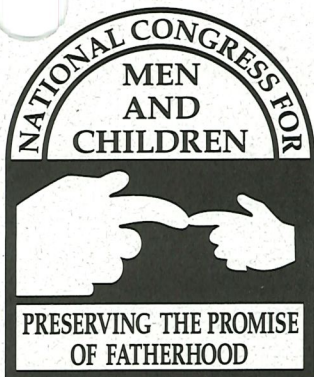
Someday someone in the system will have to have mercy on the little children. They are starving for lots of love, hugs, and kisses. Someone needs to love them, rather than just be concerned with receiving the little money that is given to them to keep them in heir homes. Some of the children never to get off "death row". I mean children never go back home to their families. They are shifted from foster home to foster home through SRS's system and never get adopted either.

In closing, to all that's on the committee, I hope that someone, somewhere will here my cry and reach out to help the children.

Respectfully Yours,

*Patricia Jammerson*  
3-19-92

Patricia Jammerson  
2010 N 27th St.  
Kansas City, Kansas 66104



Kansas City Chapter  
1403 South 37th Street  
Kansas City, Kansas 66106  
(913) 432-3860

2020 Pennsylvania Ave. NW  
Suite Number 277  
Washington, DC 20006

Call: 202-FATHERS

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Good morning ladies and gentlemen. I am George McCasland. I am a resident of Kansas City, Kansas, and am the Mid West Coordinator for the National Congress for Men and Children, an alliance of over 400 fathers, second wives, and grandparents groups from throughout the United States. I am charged with the job of taking calls from throughout Kansas, as well as the US, from fathers, as well as grandparents who face the problems this legislation addresses. I have been asked to speak on the two major protections that this legislation will afford both the children of this state and their parents.

There is a major problem in Kansas. That problem revolves around the power of the Kansas Department of Social Rehabilitation Services to be able to disrupt and dismantle a family. SRS holds a necessary place in this state's government. But in the area of establishing just cause for the severing the parental rights of a man or woman, they are severely lacking. I hear the same story repeated time and again, how a child was removed from a home based on a simple accusation, taken from a home where they felt at home, felt safe, and placed the alien environment of a foster home.

Yes, we all acknowledge the fact the child abuse does take place. And that there are unreported cases out there. But according to a report released last year from the National Office on Child Abuse, in Washington, D.C., 60% of the cases of claimed child abuse are either unprovable, or outright false. And this is where the problem arises with the way these cases are handled in Kansas. In any other criminal action, and child abuse is a crime, the alleged perpetrator has a right to a trial by a jury of your peers. Person who are not involved in the case, and who can make an impartial decision, based on clear and convincing evidence. This is a right given most every criminal, including those accused of kidnapping and molesting children. But it is not a right given parents. SRS can suspend a parent's right, without following due process. Removing the child, and severing a sacred bond. And this brings up another matter regarding this legislation. The placement of children into foster care.

4-16

One of the greatest tragedies related to an investigation of suspected abuse, is the removal of the child, and the placement of them in a strange, and to small children, frightening environment. Recently, I had the opportunity to speak to the head of the SRS equivalent in Hawaii, about their investigative process. When they remove a child due to suspected abuse, the children are, in over 90% of their cases, placed with a relative, within 24 hours. If there is a non-custodial parent, usually a father, a grandparent, or other relative, they are placed with them, in that order of importance. In Kansas, not only are the children not generally placed with a separated parent, grandparent, or other relative, they bar these persons from having contact with the child.

Just yesterday, I got a call from a father in New Jersey, whose children had been taken from his ex-wife, in Kansas, due to neglect. He has been told that not only that he cannot take custody of them, but he is not allowed to see or talk to them, on the phone. His rights as a parent were severed, severed not only without due process, but without even suspected just cause. Now granted, SRS may not have wished to have the children removed from the state, while the investigation was ongoing, but they had no cause to cut off all contact of the children with their father.

One case I have been personally involved in, in Johnson County, along with Senator Kanan and Rep. Tom Love, a 14 year old was placed in Foster Care, after claiming physical abuse at the hands of her mother. She specifically expressed a desire to live with her father. She was placed in foster care last September, and is still there. The father has spent thousands trying to get her out. He did get a brief visit with her for the holidays. But that has been all.

A better system is needed, regarding the handling of suspected abuse. Parents should have the right to a trial by a jury of their peers. And children should have the right to be placed in a home where they are at least familiar with the surrounding, while an investigation is ongoing.

One last item I would like to mention. There are many fine and good Foster Parents out there. But US Justice Department reports have shown that some of the highest levels of abuse of children, take place not in the home of the parents, but while in foster care. We all want to protect children from abuse, but we don't want to send from one possible bad home, into another.

Good Morning,

My name is Mina Zimmerman, from Marysville, Kansas. I am here to speak for grandparents & non-custodial parents rights, and the rights of the child. In our case it happened in June of 1989. My granddaughter came to me and told me she was being molested and terrorized. We went into the system, a system that does not care. In a few words, we called a lawyer, got a court appointed court service officer, Sue Luke, and psychologist, Dr. Coleman, in Manhattan & the SRS, Angie Suther, Rape Crises Center, Child Care, Attorney General's Office and Kathleen Sabelious. I talked to Mrs. Sebelious several times. I tried Robert Doles office. They don't care about domestic things. Wint Winter's office, Topeka SRS office and Attorney General's office was notified by Mrs. Sabelious. We have been through many lawyers. I have brought along documents to prove what I am saying. The half brother admitted he did it. The mother knew as early as the summer before. He also did this to a neighbor boy, 5 years old, but the mother made the half brother apologize. The SRS knew this, the court knew this. Sue Luke, who works with SRS, found this in her home studies plus much more.

What happened? We had a hearing and the judge put her right back in a home where nothing had been done for 3 years. The SRS in Illinois had the half brother studied. The mother finally agreed to send the half brother to a shelter care home only a few miles away where he could spend weekends with family. At the end of the hearing the judge said he wouldn't make a decision on Natalie until the determination of the half brother was made. Well, that was a bunch of bunk. He made the decision the middle of December and they were not even going to have a hearing on Chad, the half brother, until the last of January and Natalie was already back in Illinois, with her mother.

My son, Natalie's father, and I have called anybody and everybody we could think of and no one seems to care or want to do anything. I have been told by all we have contacted that the judge has more power than God. How can we hand that much authority to one person. The SRS won't help, Mr. Larkin can't help, Mr. Montgomery can't help. No one here in Topeka can. Why? When a little eight year old child comes to you for help and there is none to give her. Why? Folks, they are our next generation. What do we want? Would you want to be treated that way? We must pass some kind of laws that protect our children. You wonder what is happening on our streets. These children find out at an early age that you folks don't care. Why is there nothing in the law to protect our children or those that want to protect them.

We tried to help Natalie and for our efforts we now can only see her two times a year. Her father tried to help and all he got was his visitation cut and now pays more child support. The judge said I, as her Grandmother, should have stayed out of it. Where I messed up was we should have made a public mess of all of it, for all the judge cares about is himself. There is no law to help a child or anyone to enforce it so we, as grandparents and non-custodial parents, have no rights or laws to help us. We are just sent from one place to another for nothing. When is something going to be done for our children.

Make some laws that make sense. Let's have some laws that allow a grandparent or non-custodial parent some rights. All laws are for the parent that has the child and if they don't care, our children are not protected. Why can't we have some kind of arbitration board to help someone. The cost is only borne by one person—the one who cares and it can send you into bankruptcy. Who else but a lawyer or judge make \$150 or more an hour. Not many. Who makes our laws? A lawyer. They make them so you have to go to them. Who polices themselves beside lawyers? **Our children need help.**

Thank you,  
Mina Zimmerman  
206 South 5th  
Marysville, KS 66508  
913 562 2680

I do have documents if you want to see them.

*2 files full*

*4-18*

200 Southwind Place, Suite 202

Marysville, Kansas 66502

(913) 39-8934

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Psychotherapy



Mental Health Associates, PA

Kathleen Keen Sinnett, Ph.D.

E. Robert Sinnett, Ph.D.

C. Louis Klobasa

Thomas R. Coleman, Ph.D.

June 26, 1989

Angie Suther  
SRS  
1100 Broadway  
Marysville, KS 66508

Re: Natalie Zimmerman

Dear Ms. Suther:

This letter is a followup to my telephone call to SRS regarding Natalie Zimmerman. Natalie Zimmerman is an eight-year old girl who is living with her father and step-mother for six weeks in Marysville. She spends a great deal of time with her grandmother who also lives in Marysville. Her mother and step-father live in Illinois and, from what has been reported to me, her mother has primary custody of the child.

Natalie was brought to me by her grandmother, Mrs. Nina Zimmerman, because Natalie had reported to her that she had been sexually molested by her fifteen-year old half-brother, Chad. Mrs. Zimmerman was concerned for Natalie's welfare and she brought Natalie in for an evaluation at the recommendation of the family attorney, Darold Bolton. I had not talked to the grandmother in any detail prior to my interview with Natalie.

During my interview with Natalie, she separated easily from her grandmother. I talked with Natalie for five or ten minutes discussing a variety of things to help ease any anxiety as she did appear to be moderately anxious. Then I asked her why she was here and she said "my brother and I don't get along very well at all". She stated that there were some problems in her family and that's "why I came here to see what I could do about it". She then reported in very graphic detail that her half-brother had forced her to commit fellatio. She was not specific as to the time that this had occurred but stated that it occurred when she was about seven years old.

Natalie mentioned that she had told her mother about the molestation and her half-brother was punished. She then went on to state that her mother "keeps forgetting a babysitter and he gets mean to me". She related several incidences in which her half-brother would get a gun out and point it at her, that he had pointed it at the neighbor girl, and that he had forced her to smoke a cigarette. It was apparent from her report that Chad had been causing a great deal of problems and had been taken to see a psychiatrist.

EXHIBIT "A"

4-19

It was very apparent that this child is quite frightened of her half-brother. From her report, I have very little doubt she was sexually molested by him. She gave a very graphic description of what he had forced her to do. She noted that she was quite frightened of him and that she wanted to make him stop, meaning that she wanted to make him stop the variety of harassment that he is subjecting her to. From her report, it is apparent that she spends a significant amount of time alone with Chad. She stated that her mother and step-father play in a band and that she, Natalie, does not go with them because she is too young. Natalie stated that it is hard for her to talk about the situation. She says "I don't want to talk about it because my stomach hurts and so does my head".

It is apparent to me that if an abusive situation does not exist now, there is a strong potential for one. Mrs. Zimmerman stated that Natalie's mother's name is Deana Spears. Her husband is Matt. They live at 216 Briarwood Drive, Granite City, Illinois. Their phone number is (618)876-0392. Given the information provided by this child, I certainly feel that an investigation needs to be initiated in order to ascertain the veracity of this situation and initiate action to protect the child, if necessary.

Sincerely,



Thomas R. Coleman, Ph.D.  
Licensed Psychologist

cc: Darold Bolton, Attorney

TRC:lm

*He tried to intervene*

IN THE DISTRICT COURT OF MARSHALL COUNTY, KANSAS

In the Matter of the Marriage of )  
 )  
 DEANNA SPEARS, f/k/a )  
 DEANNA ZIMMERMAN )  
 )  
 ) Petitioner )  
 vs. )  
 )  
 MICHAEL ZIMMERMAN )  
 ) Respondent )  
 )

Case No. 83 DV 18

ORDER DENYING MOTION TO INTERVENE

NOW on January 8, 1990 the above matter comes before the Court upon the Motion to Intervene filed by Michael W. Murphy on behalf of Natalie Zimmerman, minor daughter of the above named parties. Petitioner appears by her attorney Tim W. Ryan of Ryan and Ryan, P.A. Respondent appears by his attorney Darold D. Bolton. Movant Natalie Zimmerman appears by Michael W. Murphey of Galloway, Wieggers and Heeney.

WHEREUPON the Court, after listening to argument of counsel and being well and fully advised in the premises, finds:

1) The paternity of Natalie Zimmerman was determined at the time of the divorce and no appeal was taken therefrom. The issue of paternity has never been raised since the time of the divorce as evidenced by all of the evaluations, reports and documents submitted to the Court in the various post-trial motions.

FILED  
MARSHALL COUNTY, KANSAS

'90 JAN 19 P1:17

CLERK OF DISTRICT COURT

BY: *hp*

4-21

RYAN AND RYAN, P.A.  
 ATTORNEYS AT LAW  
 P.O. BOX 205  
 509 COURT STREET  
 CLAY CENTER, KS. 67432  
 (913) 632-5666

PDIV11

*He tried to interview*

IN THE DISTRICT COURT OF MARSHALL COUNTY, KANSAS

IN THE MATTER OF THE MARRIAGE OF	)	
	)	
DEANNA SPEARS F/K/A DEANNA ZIMMERMAN	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 83 DV 18
	)	
MICHAEL ZIMMERMAN,	)	
	)	
Respondent.	)	

STIPULATION FOR DISMISSAL OF APPEAL

COMES NOW Natalie Zimmerman, by and through her attorney, Joseph M. Weiler, Alderson, Alderson, Montgomery & Newbery, and stipulates that the appeal in the above-captioned matter as indicated in the Notice of Appeal filed the 8th day of January, 1990, will not be pursued and may be dismissed.

IN SUPPORT WHEREOF Natalie Zimmerman shows the Court that the purpose of said appeal was to attempt to secure, through the Appellate Courts, representation of Natalie Zimmerman by an attorney of her choice in the above-referenced matter. By an order dated the 24th day of January, 1990, the District Judge in this matter appointed a Guardian Ad Litem for Natalie Zimmerman to represent and protect her best interests in this proceeding. The appeal is therefore moot and will not be pursued.

Respectfully submitted,

*Joseph M. Weiler*  
 \_\_\_\_\_  
 Joseph M. Weiler  
 ALDERSON, ALDERSON, MONTGOMERY & NEWBERY  
 1610 S.W. Topeka Avenue  
 Topeka, Kansas 66612  
 (913) 232-0753

ALDERSON, ALDERSON,  
 MONTGOMERY  
 & NEWBERY  
 ATTORNEYS AT LAW  
 1610 S.W. TOPEKA AVENUE  
 P.O. BOX 237  
 TOPEKA, KANSAS 66612  
 (913) 232-0753

JAN 31 P2:25  
 KANSAS  
 DISTRICT COURT  
 BY: *JA*

4-22



1) The Court notes that child custody issues have been previously addressed by the Court in the Decree of Divorce dated September 13, 1983, incorporating by reference the child custody and support provisions of an Agreement dated September 7, 1983 by and between the parties; a Memorandum Decision dated September 26, 1988 and an Order dated January 8, 1990. This Order is intended to replace and supersede all existing orders concerning child custody, support and all other child related issues.

2) JOINT custody of the parties' child, NATALIE MICHELLE ZIMMERMAN, born April 4, 1981, shall be awarded to the parties. Each party is a fit and proper person to have legal custody of the child and that joint custody is in the best interests of the child. By joint custody, both parties have equal rights and responsibilities with respect to the child, and neither party's rights are superior.

(a) Residency Arrangement. Petitioner shall furnish the primary residential care for the child. Respondent shall have the following rights of specified visitations:

(1) Summer visitation: Respondent shall have visitation during the summer commencing in 1990 to commence and terminate on dates to be agreed upon by the parties. The child, if she chooses, shall participate in summer activities, i.e. baton camp, basketball camp, etc. The amount of respondent's summer visitation shall be one-half of the child's summer vacation remaining after the child's summer activities, if any. During the course of respondent's summer visitation, visitation with the child's paternal grandparents should be at a minimum with no more than two overnight visits. The paternal grandmother should not do any of the babysitting. If babysitting is needed, it should be done by an outside person.

*Take note nothing said about Maternal Grandparents. PDIV14 who has been divorced 4 times, and has lived with numerous men without benefit of marriage. 4-23*

TESTIMONY  
BY  
Barbara Huff  
Executive Director  
Keys For Networking, Inc.

March 19, 1992

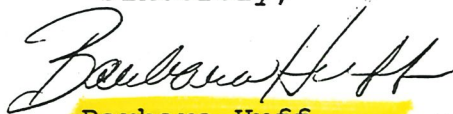
Dear Mr. Chairman and members of the Committee,

I am presenting testimony in support of Senate Bill 672 on behalf families in Kansas who need the protection of a jury trial before the awesome and irrevocable decision is made to severe parental rights.

This bill would provide parents a chance to allow a group of their peers to make the decision rather than relying on the recommendation of an agency. It is also our belief that during the investigation children should have the right to be cared for by relatives rather than being placed in a family or facility in which the children have no ties.

Thus for the above reasons, Keys For Networking is a proponent of Senate Bill 672.

Sincerely,



Barbara Huff  
Executive Director  
Keys For Networking, Inc.

4-24

**ATTACHED: MY EXPERIENCE OF JANET ENSIGN**

Sure you will understand why I feel jury trials are better for children. As of now, they fall between the cracks of tragedies and disasters, which is put on them by the present-day System.

I have never been before a jury but remembering my granddaughter had, I called her and asked what she got from her experience. She replied it seemed the American way of life. That everyone should do jury duty sooner the better as it does change your life. You walk out with inner pride to be asked to serve. She also told me things get up tight in the jury room but listening to each juror grows one up, so I get it not only helps the child but the jury also.

Thanking you,

Leona Gilmore

RR 3 - Box 437

Warsaw, MO 65355

4-25

# JANET S. ENSIGN

ATTORNEY AT LAW  
6100 MARTWAY • SUITE 26  
MISSION, KANSAS 66202  
(913) 432-7077

May 18, 1989

Leona Gilmore  
Rt. 3, Box 437  
Warsaw, Missouri 65355

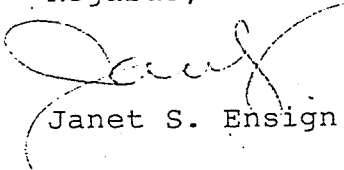
Re: Ballard vs. Gilmore

Dear Mrs. Gilmore:

I have been appointed Guardian Ad Litem for your great grand son, John J. Ballard, regarding the above captioned matter. Therefore, it will be necessary for us to meet and discuss this case. Please call my office to set up an appointment for us to meet at my office upon receipt of this letter.

You have no right of confidentiality with me and you may want to discuss this fact with your attorney prior to our meeting. Please advise your attorney that you are meeting with me so if she wants to confer with me first, she will know when your appointment is.

Regards,

  
Janet S. Ensign

JSE/je  
CC: Nancy Roe

I see this person in great pain, under stress. One can see she can't in any way serve over 100 children. In the 2nd paragraph you listen to her. She calls the shots. The children go one at a time to disaster, along with my great-grandson I had from an infant to age 7.

Leona Gilmore

4-26

11/28/88

Barbara,

When copies of your and Jan's Dear Johns letters landed on my desk, I was appalled thinking due to the fact I myself paid for the sessions that I would be deserving of a copy along with the court but not completely understanding your and Jan's motives with Duma, one has to wonder.

Yes, Mary has regrets at one time she believed Tonya should have her chance to raise Johnnie. I tried to explain to her his life would be hell, her violent temper. Now Mary knows and it hurts her deeply. No way does Mary need sessions but we do have to listen to your rhetoric.

We contacted Grandparents Rights, also Child Abuse. They explained that attorneys and counselors are expensive and time spent with them is of no interest to the child. I had to agree as I have spent money and nearly 3 years of time so I take my dialogue of time and money go to them for change that somewhere down the line there will be no more Jonnies to suffer mental cruelty as Jonnie has suffered, also maybe there will be a door to open that an 86-year-old grandfather can once again see the little boy he helped raise the first 7 years of his life.

Barbara, you state in your letter I am vindictive. I don't believe I am, but listening to mundane people bothers me at times as I see both sides of the coin which leads me to believe you are trying to tell me black is white and I can't accept that.

Leona

4-27

IN THE BEST INTERESTS OF THE CHILD: THE OPTION OF TRIAL BY JURY IN PROCEEDINGS TO DECIDE WHETHER OR NOT PARENTAL RIGHTS SHOULD BE TERMINATED. (Submitted by Tom White, LMSW, Ph.D.)

Advocates of parental rights with respect to termination proceedings all too frequently emphasize the interests of parents to the virtual exclusion of the legitimate rights and interests of children. Children's advocates often fail to take into account certain fundamental rights of children themselves.

There can be little question but that the state must intervene in cases in which parental neglect or abuse is demonstrated by clear and convincing evidence; and in those cases in which parental unfitness is adjudicated according to the same standard, the state may and does sever parental rights.

It is important to remember that the severance of parental rights has a necessary corollary, namely the severance of certain children's rights. This does not mean or imply that parental rights should not be accomplished, when circumstances demand that this be done. It does mean that it is important for the immediate and long range interests of the child that the evidence for severance should be demonstrated by clear and convincing evidence of parental unfitness, and that the trier of facts should be unbiased. Severance of

It is widely recognized that petitions to Kansas courts for severance of parental rights are rarely denied, and that except for challenges on appeal of procedural errors, appeals are for all practical purposes of no avail. It is doubly important, therefore, that the trier of facts in the first instance should be as impartial as possible.

It is our position that a jury trial in severance proceedings represents the best hope of both parents and children that justice and equity will prevail. When all of the testimony has been given, including that of expert witnesses, no surer guarantee of fairness exists than that of the quintessential collective wisdom of a jury, which by nature surpasses that of even the most sincere and experienced judge.

The questions are, "Do parents deserve a trial by jury in severance proceedings?" and, "Do children deserve a trial by jury in severance proceedings?" The answer to both questions is "yes." That answer is in the best interests of children.

We would further petition the legislature to make the provision that a jury trial would be mandatory in any case in which a child through his guardian ad litem requests one, or in any case in which the child's guardian ad litem on his or her own initiative requests one.

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.

*Anda Butcher*  
Butcher



# PRESENTATION

TO HEALTH AND WELFARE COMMITTEE

BY JACKIE WOLLARD

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 CONVINCe 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

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GET OUT OF THE HOME! ON THE WAY TO THE HOSPITAL TO BE EVALU  
BECAUSE OF THE SUICIDE THREAT, HE SAID TO HIS PARENTS "THERES"  
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. 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!

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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. ABUSED BY THE SYSTEM WHOSE GOAL IT IS TO PROTECT AND PRESERVE FAMILIES. IN KANSAS 90% OF REPORTED CASES ARE UNFOUNDED. OUR CONTACTS WITH OTHERS HAS PROVEN THAT TO BE TRUE.

THIS BILL WILL CERTAINLY NOT SOLVE ALL OF THE PROBLEMS, BUT IT IS A SIGNIFICANT STEP IN THE RIGHT DIRECTION OF SECURING BETTER DUE PROCESS FOR THOSE WHO HAVE BEEN UNJUSTLY ACCUSED. I AM TOTALLY CONVINCED, HAD WE NOT BEEN ABLE TO "DEPROGRAM" OUR SON IN THE FIRST 24 HOURS, WE WOULD NOW BE IN COURT FIGHTING FOR CUSTODY OF HIM AND PROBABLY HIS SISTER INSTEAD OF STANDING IN FRONT OF THIS COMMITTEE. PLEASE PASS SB672 TO HELP PRESERVE FAMILIES.

IN YOUR PACKET YOU WILL FIND :

OUR STORY IN DETAIL (SOON TO BE PUBLISHED IN A STATEWIDE HOMESCHOOL NEWSLETTER AND A LOCAL PAPER)

COPIES OF FORMAL COMPLAINTS (TO DONNA WHITEMAN AND OTHERS) AGAINST THE INTAKE OFFICER AND THE SOCIAL WORKER ASKING FOR THEIR DISMISSAL AND OUR FILE TO BE DESTROYED. THIS ALL

HAPPENED 6 MONTHS AGO TODAY; WE HAVE YET TO SEE ANY ACTION TAKEN.

**THANK YOU.**

# OUR STORY

BY JACK HOLLAND

"Last year, over one million families were falsely accused...their homes were invaded by bureaucrats; dossiers were opened on them; their names were put in central computers, permanently on file; their children were asked leading questions and encouraged to inform on them. These were the lucky ones. The less fortunate ended up losing their life savings, their home, their children...everything. A network of federal, state, and local agencies is snatching children right out from under their parents' noses. This is the child abuse industry, and every year it threatens more and more families." **MARY PRIDE**

More than six months ago, if I had heard or read these statements, I would have found it hard to believe such a thing could happen to us or anyone. But, we have found it happens every day all over the U.S. and our state is no exception. In Kansas, 90% of reported child abuse cases are unfounded. We were one of them. We were one of the lucky ones.

We have homeschooled our two children, Aaron 16 and Heather 14, since November 1985. We are legally registered with the state, have a schedule and curriculum, belong to the Home School Legal Defense Association and test regularly. We've done everything we are supposed to do. So how did this happen? We all know, as parents, that the teen years can be very trying for parent-child relationships aside from educational issues. All homeschoolers of teens know these potential parent/teenager problems can multiply in a homeschooling situation. Our son, Aaron, experiences these normal conflicts having to do with privileges, showing respect for parents, use of car, obedience, time management, responsibilities and school.

8:00 A.M.: The morning of September 18, 1991, started out not unlike any other. But, there was something different about Aaron. He seemed to have had a drastic personality change from the week before and I could not figure it out. This morning he was extremely belligerent, disrespectful and disobedient; challenging my every word and motive! When I sent him to his room, I never thought he would leave. Eight hours later he had not come home and could not be found. I was beginning to be very anxious and concerned. When Dad came home, we discussed what discipline to take, all the time hoping we would have the chance.

11:00 P.M.: The caller said, "We have your son, he asked for help. He is in protective custody." What?! 'Protective custody' from what or whom? He's never needed "protective custody". Dad is angry at the caller; he gave us no details as to the problem or reason for Aaron being in their custody. He led us to believe that Aaron went directly to the police. (We would later learn that this was not the case. The sergeant of the Paola Police Dept. lied to us, as is the common practice of those who work in the system.) "SRS will call you tomorrow". We are relieved that he is safe, but we are confused. Why? How? Who took him to Paola? He is in a home for the night.

10:00 A.M.: We have yet to receive a phone call from anyone who will tell us what is going on. We have been in touch with our attorney. We call Linn County SRS. They don't have him. They don't know anything about him (another lie). Our attorney advises us to call the Miami County Juvenile Office and demand the return of our son, because we know there is no reason for them to have him. The intake officer says he is fine, Linn County SRS will call us. Dad angrily demands the return of our son telling her he does not belong with them, there is nothing wrong here. She refuses to return him or tell us anything. We wait.

NOON: A call from Linn County SRS tells us of an "acute problem". "Our son says he will commit suicide if he has to return home." We are shocked--that's crazy! He has never indicated anything like that before. What is going on--nothing makes any sense! "We are concerned for Aaron. He needs to be evaluated at a mental health facility because he has threatened to harm himself. Do you agree?" Of course we agree, we answer her. We think--what a question! We are his parents and we certainly care more about him than you do! We can choose where he is to go, Osawatomie State Hospital or Shawnee Mission Hospital. We ask for time to pray. She answers there is no time for that, she has other appointments we have to make a decision now. (We would later experience their animosity for professing Christians, they call it "super religious"). God, what do we do? The Lord is so Faithful! He drops into my mind to choose Shawnee Mission. We are told to come get him as they have no way to transport him there. We thank God; not until this moment are we told we are going to see him. (I am totally convinced, had we not listened to the voice of God at that time, we would *NOT* have been one of the lucky ones!)

I ask a wonderful Christian friend who happens to be in our home that day and who prays with me, to take Heather home with her. We don't want to take the chance of them coming to get her. Isn't God Wonderful to have all of this in His Timing--I needed that lady's prayer! (This is another tactic of the system to threaten to involve other siblings; and, in fact, a threat was made. Our son had more to "inform" after the threat.)

1:00 P.M.: We arrive at the office and I am not prepared for what I see. This is not my son! This boy is so sullen, angry, withdrawn, hostile...afraid..of us! Oh God, why is he like this. I don't understand. It is Aaron, but his countenance is so hateful and dark. Such a spirit of heaviness. What have they done to him? (He later shared with us, at that point, he trusted no one). I sit down next to him, he moves away slightly. I touch his knee and he "recoils". I tell him I missed him and was worried. He says, "You were?"; surprised. My heart breaks.

We are told that Aaron has said he has been emotionally, verbally and physically abused and he does not want to home school. What?! This doesn't make sense. We have had some conflicts about school and other things and even some angry scenes and words shouted in the heat of anger, but nothing that could be considered abuse. (We were soon to find out SRS considers *EVERYTHING* as abuse because they have no definitions for any of it. The sexual issues are too disgusting to do any more than mention they exist in the file). We are told not to question or "badger" him in any way on the trip to the hospital. We are threatened with court action if we refuse to cooperate. We are made to feel like criminals, the scum of the earth. We are presumed guilty until proven innocent. (This is common practice in the system). We just want to get him out of there.

2:30 P.M.: On the way to the hospital, Aaron's 24 year old brother asks to talk to him. (The social worker did not ask our older son about the home. In fact, she asked him to stay in the outer office, having no interest in interviewing another family member about the allegations. This would later become an issue in our formal complaints.) Aaron would not talk to his brother. We drop off his brother and pray silently. Finally, we tell Aaron we don't want him to be more upset but we don't understand what has happened. The conflict the previous morning did not warrant his running away. "Don't you understand, Aaron, that we are now no longer your parents? The SRS is now your parents. They can take anything you have told them and make it mean whatever they want. They can take you out of our home until you are 18 or 21 and we might not see you and Heather again. If that happens, we might not be able to do anything about it". All of a sudden, Aaron came alive! His eyes opened wide and he said, surprised, "They never told me that. They lied to me! We talked a little more and then he said, "Stop, don't say anymore. I have to figure this out.

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"There's a tornado in my head!" I pray for the Lord to take the scales from his eyes and open his understanding. I pray for my child-I pray for my family-I pray for my life!

4:00 P.M.: About 30 minutes after arriving at the hospital, Aaron doesn't seem to be ready to open up. I just keep telling him "I love you..I love you..I love you." through the tears. Finally, he begins to talk. Haltingly at first, almost as though he is afraid of our reaction. He says we just won't believe who is behind this--. After the counselor's evaluation, she tells us Aaron is a "neat kid". We know that! He is not suicidal. We know that, too! But he is torn between his love for his parents and the accusers. SRS, later, would neglect to follow up this evaluation while continuing to pursue abuses not present in our home.

8:00 P.M.: As we travel home and continue our visit with Aaron until 3:00 a.m., the story unfolds. When Aaron called my husband's father and his wife one night, very upset and crying, and shared some of his concerns with them, they totally overreacted. They do not agree with our decision to homeschool and there are many unresolved conflicts in the relationship, leading to a period of almost no contact. They convinced him that he was being mistreated, abused, deprived, imprisoned, raised up improperly, etc. They even told him he was probably suicidal. (The intake report would later say his grandfather "talked him out of it".) They vowed to "do something about this". Our son has since shared with us that he felt more depressed and unhappy and confused after that phone call.

The grandfather and step-grandmother continued contact for a week without our knowledge and encouraged him to leave at any problem and they would take him in, resulting in our conflict and his running away. 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. Even some of the officials in the system prompted him to say and do certain things to get out of the home! From the onset of these meetings with the grandparents and everyone in the system, Aaron was encouraged to 'inform on his parents' so they could "make a case". No one tried to get to the truth of the matter. He trusted their judgment 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 taken out of context, 1 he never said at all, and 1 he admits was a lie, knowingly. 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, their intervention is always justifiable when they base their case solely on a child's or youth's testimony. The rest of the 8 page report, is not quotes but rather the intake officer's interpretation of what was said. As subjective a document as we have ever seen! It contains no less than 17 TOTALLY FALSE STATEMENTS AND 22 DISTORTIONS AND EXAGGERATIONS. At one point, the decision was made not to talk to Aaron's brother about the allegations, because he was "loyal to the parents" and he might tell them of Aaron's whereabouts. This whole case is based on this ludicrous and erroneous report. At no time during the "investigation" did anyone in the system question the validity of any of the allegations. No other family members and friends of 10 and 20 years were interviewed. A check of our family's prior involvement with juvenile authorities, law enforcement, or SRS was not conducted. In our 20 plus years as Kansas residents, there is none.

SRS terminated home visits in November of 1991, after 2 months of continuing the damage already begun by others. *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, we have personally been in contact

with several other families in similar situations. Some others have reported legitimate abuse, and SRS has done nothing.

While we continue to recover from the harm done by these false allegations, the last several months have been spent trying to get our case closed and file destroyed. We are told we are not on the central registry, but we don't believe them. It is SRS policy to keep all records on file for two years, unfounded or not. This is further distressing because there is the possibility "that an overzealous social worker could re-open the case" on another false allegation because now we have a "history". We have tried to follow the proper channels in getting this accomplished, but the system does not police itself. By the way, Aaron is the only one in this whole situation who has taken accountability for his part in this mess. **NOT ONE "ADULT" HAS HAD THE MATURITY TO DO SO.**

I am eternally grateful for VOCAL, Victims of Child Abuse Laws, and Elisa, Kansas chapter VOCAL Rep., especially. Without her support and encouragement we would not have fared so well. God Bless you Elisa! Our family is healing from these unjust and deliberately inflicted wounds but my heart breaks for those who cannot heal because they have lost their children or their families have broken up. That is why we intend to, not only, pursue the end of our own case, but also, help others get through this very traumatic and potentially destructive experience. To that end we are forming a local VOCAL support group for those now involved in the system. We have already made several trips to Topeka to help make an impact to change the system by changing the laws. With God's help and guidance we will be a blessing and encouragement to others. We claim Gen: 50:20 when Joseph said to his brothers, "But as for you, you meant evil against me; but God meant it for good,...to save many people.."

If you think your children are safe (from the State) because you homeschool, think again. "Your children are not safe in your home, and never will be until the laws are changed. However, there are some things you can do to make your family less vulnerable, and some actions you can take to defend yourself if you are falsely accused of child abuse or neglect." **THE CHILD ABUSE INDUSTRY** by Mary Pride. This book is **MUST** reading for **ALL** homeschoolers.

If you are currently or have had contact with SRS or Juvenile Authorities, contact VOCAL Rep., Elisa Brietenbach at (913) 362-2109, or Stan and Jackie Wollard at (913) 898-6552. We also strongly urge everyone who has a complaint to write to (with copies to your legislators and Gov. Finney): Ms. Donna Whiteman, Secretary, Social & Rehabilitation Services, 915 Southwest Harrison, Room 603 North, Topeka, Kansas 66612-1570. She cannot get rid of the "bad apples" (her words) if she does not know where they are.

MARCH 2, 1992

STANLEY W. WOLLARD  
RURAL ROUTE 1, BOX 69  
PARKER, KANSAS 66072-9734  
913 898-6552

MS. DONNA WHITEMAN, SECRETARY KANSAS SRS  
915 S.W. HARRISON, DOCKING STATE OFFICE BLDG, RM 603 NORTH  
TOPEKA, KANSAS 66612-1570

SUBJECT: WOLLARD FILES

DEAR MS. WHITEMAN,

I first want to thank you very much for meeting with me and my family personally on Tuesday, February 25, 1992. We appreciate the depth of your responsibilities and job you have before you.

After meeting with my family and I please honestly ask yourself these questions:

1. Why is this family so upset?
2. If there is really a problem as suggested by the reports and written information, why have they made this public?
3. Why didn't our people include any notes as to whether there was prior involvement with juvenile or SRS systems?
4. Is Lola Mc Farland doing a complete and competent job?
5. Do I have the complete story on all issues? Is the story about Jackie calling the SRS worker correct? (We are sending you a separate letter on this).
6. Why are the hospital evaluation and information on the psychiatric visits not a part of the file? By the way I am including a copy of the hospital report with this letter. I did not want to give up my original to you when we met.

And about the SRS system, ask yourself these questions:

1. Is there too much emphasis to "err on the side of children" versus the family. This rhetoric sounds good, but after our experience and those of many with whom we have come in contact has convinced us this means you're not breaking up families, but liberating children! So that gives you the justification to continue. "An 'error on the side of the child' is still an error, and not necessarily on the side of the child. In child advocacy lingo, to err on the side of the child means to err on the side of removal...the wise decision would be to err, not on the side of foster care, but of parents...natural parents have a very low rate of child abuse. in foster care, the rate...rises dramatically...it's almost impossible to win a lawsuit when a child is removed in error...you can sue a social worker for not removing a child who is afterwards harmed in his home...This one-sided liability makes it impossible for social workers to "err on the side of the child." ..They are under pressure to err on the side of themselves." AND THEY DO. Quotes from "The Child Abuse Industry" by Mary Pride, Crossway Books (and I say God forbid that any child be harmed as I am reminded of Matthew ).
2. Did the system loose the 24 month old child because people on the staff were neglectful or just too busy with all of the case load due to building cases against suspected abusers?
3. Does the SRS system need to spend time evaluating the quality of their staff and people in the field?
4. Do investigative procedures need to be re-defined--video tape interviews with children?
5. Should the accusers be investigated more thoroughly to determine what is abuse and perhaps exit cases more quickly to avoid being tied up and unable to do a good job where there is confirmed abuse?
6. Does the system properly police itself without bias or only protect itself and people within the system? We believe this to be true.

You are an attorney and professional. I am sure you are going far beyond what I have listed here, but these are the thoughts of an average law abiding citizen who has been wronged by the system. Our family was potentially torn apart by people in your system

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whose main objective was and is to protect themselves--you have said you are for family and want to believe you.

What do we want, you ask. We request the following action:

1. Reprimand of Sgt. Butters of the Paola Police Department (we are addressing the Paola City Manager and Chief of Police separately on this issue.).
2. Resignation/dismissal of Cathy Stockard, Miami County Juvenile intake officer.
3. Resignation/dismissal of Lola Mc Farland Linn County SRS officer.

We believe these people will continue to destroy if not removed.

4. Legal documentation our file has been destroyed--and not wait one or two years. This has become a matter of principal for us, in that, the file should have never been started. Had the truth been properly brought out by these so called professionals instead of everyone trying "...to build a case against the parents.", there would be no report.

The people within the SRS system are abusing their power. Are the courts really the answer? Who are they going to believe in the anxiety of the moment--the SRS worker, the child, or the parents, in that order, and almost never the parents!

We secured copies of the bills you are to support and will join with you--we are looking for family preservation. We, however, do not agree with the 72 hours. We feel it will only bring more people into your system and give social workers more time to do even more damage. Remember the mentality of your field staff is "*build a case against the accusers*" and "*err on the side of the child.*" (which really mean, on the side of the social worker) Lets make the accusers accountable and the penalties/rehabilitation more severe/just for those who are confirmed of abuse.

We look forward to hearing from you. Once again, I express my appreciation and gratitude to you for your time. We will keep you in our prayers as you have a great task ahead of you.

Sincerely,

  
Stanley W. Wollard

Encl Shawnee Mission Medical Center Emergency Room Report

cc Senator Doug Walker  
Representative George Teagarden  
Senator B.D. Kannan  
Governor Joan Finney

STANLEY W. WOLLARD  
RURAL ROUTE 1, BOX 69  
PARKER, KANSAS 66072-973,  
913 898-6552

FEBRUARY 24, 1992

MS. DONNA WHITEMAN, SECRETARY, SOCIAL & REHABILITATION SERVICES  
915 SOUTHWEST HARRISON, ROOM 603 NORTH  
TOPEKA, KANSAS 66612-1570

ATTENTION: MS. DONNA WHITEMAN

Although we have tried to follow proper channels and keep people at the state level aware of our situation, it seems we get back to working our issue from the top down.

I am writing this letter to you in response to Sandy Robb's reporting of the chronology of our case versus addressing the issues with personnel within the system, which we had discussed. I am enclosing, for your reference, copies of my formal complaint to her and her response to me. I have addressed each issue by number, adding ones that were not addressed:

1. Let me first begin by stating the issues in my complaint to Sandy Robb that were never addressed:
  - a. Information from Shawnee Mission Medical Center was not made a part of our file at its onset.
  - b. Information from our counseling sessions at MIDWEST CHRISTIAN COUNSELING CENTER was not obtained--since my letter we have learned a call was made to see if we were in counseling but that is all.
  - c. No one made contact with any other family member to determine if there was any truth to the allegations.
  - d. Finally, and foremost, we can see no attempt by anyone to determine if there was any prior involvement with our family by any juvenile authority, law enforcement, or SRS. For your information, there has not.
2. Point 1 mentioned is true; however, he called my father who had encouraged and influenced him for a week, without my knowledge, to rebel against parents authority and home school. Point 2 mentioned is true; however, Sgt. Butters interrogated him at the grandparent's home, where he was taken without our consent, for at least 30 minutes; after being further interrogated and intimidated and coached by my father for at least an hour prior to calling Sgt. Butters. From the onset of these meetings, everyone tried to build a case against the parents rather than get to the truth of the matter.
3. My son was "**coached**" by grandparents and officials to say he would harm himself or do something drastic to get out of the home--he agreed to this because of his contact with his grandparents and because of misunderstandings with parents that had not yet been resolved.
4. At this point, a police report was "**unprofessionally**" generated. It contains only 5 direct quotes by Aaron. Three are true, 1 he says he never said at all and 1 he admits was a lie. The 8 page report, other than these 5 direct quotes, is not what Aaron said but rather Cathy Stockard's interpretation of what he said. It contains no less than "**17 totally false statements and 22 distortions**"

5. Point 4, I did not agree, "*I was not even consulted but told by authorities*" he would be detained overnight.
6. Points 5 and 6, the interrogation by Lola and questions were based solely on this report mentioned above. At no time did anyone question the validity of any of the allegations contained therein. When we informed Freida Miller that we were obtaining a copy of the report she stated that when she read the report she believed abuse to be present in our family.
7. Points 7 and 10, we "*were threatened with court action*" if we did not agree to "Family Services." My wife, my son, and I left the room to discuss whether we should sign. We signed this agreement under "*verbal protest*" with Family Services worker Freida Miller present. At no time did Lola McFarland make it perfectly clear to us that our signatures were totally voluntary.
8. Point 8, this was the worst place they could have put him. More time in the clutches of the real abusers who continued to mentally and emotionally intimidate.
9. Point 11, our copy is dated 11/12/91, not 11/17/91, and says only that our services were being terminated, and nothing about our case being closed. We believe this would not have happened, at this time, had we not expressed our distress with the system in the published letters to the editor in three local papers. We believe Lola would have continued unnecessary intervention until the end of the six month period. We believe the letters alarmed her--why? Was she unsure she was doing the right thing?

You will also note that Sandy did not address any of the 11 issues in my formal complaint about Lola McFarland.

No one in the Paola Police Department or Linn County SRS Office fully investigated the validity of the allegations in this report, on which this case is based. We intend to pursue this matter with the Paola City Manager and Cathy Stockard's (author of the report) supervisor.

I certainly appreciate your taking time to review this material and we hope to make an appointment to meet with you personally in the near future.

Sincerely,

  
Stanley W. Wollard

Encl.

Letter Wollard/Robb dated 1/18/92  
Letter Sandy Robb/Stan Wollard dated 2/17/92  
~~cc Carolyn Hill - Youth Services~~  
cc Honorable Governor Joan Finney  
State Senator Doug Walker  
State Representative George Teagarden  
State Representative Sherman Jones  
State Senator B.D. Kanan

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STATE OF KANSAS

JOAN FINNEY, Governor

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Chanute Area Office, P.O. Box 708, 1500 West 7th Street, Chanute, Kansas 66720

☎ (316) 431-7100

February 17, 1992

O.D. Smeay  
Area Director

Mr. Stanley W. Wollard  
R. R. #1, Box 69  
Parker, Kansas 66072

Dear Mr. Wollard:

Following is a summary of the situation involving your family and information/clarification you have requested.

- 1 Your son ran away to relatives on 9-16-91. 2 Relatives notified law enforcement who arranged for a court service worker to interview the youth.
- 3 Information given by your son in the interview was of concern. 4 Law enforcement and/or court service notified you they had your child and it was agreed the youth would be detained overnight. 5 The youth spent the night with the relatives and at the request of court service was interviewed by an SRS Child Protection Worker the morning of 9-19-91.
- 6 There continued to be concerns about information presented in the interview and arrangements were made to involve the county attorney's office in the decision as to how to proceed with the situation. 7 The decision was that a child in need of care petition would not be filed, and the family would work cooperatively with SRS to resolve any problems that might exist within the family.
- 8 You indicated to me that your son was back in your care by mid-day of 9-19-91. The youth was in relatives care one evening, there was never a court hearing, and there was no point at which the youth was in the custody of SRS or placed in foster care by SRS.

Mr. Stanley W. Wollard, February 17, 1992, Page Two

- 9 The child protection investigation finding was unconfirmed, with a finding of eligibility for services. A notice of agency finding dated 9-26-91 provided your family with this information. A copy is enclosed.
- 10 Family services were offered and on 9-23-91 a family service agreement was signed between SRS and your family.
- 11 A notice of action dated 11-17-91 was sent to your family indicating the services were being terminated as per the agency's understanding of your wishes. A copy of that notice is enclosed.

In regards to your questions about expungement of the file, unconfirmed cases are not entered in the Central Registry, therefore cannot be expunged. Agency policy is that records of reported suspected abuse/neglect shall be destroyed after two years if the complaint is unfounded. Copies of pages from the Youth Services Manual that relate to expungement and destruction of records as they apply to this situation are enclosed.

Intervention by our agency in this case was appropriate and we would not have acted responsibly had we not intervened.

The SRS file on this situation has been closed effective with the notice of 11-17-91. No meeting is planned/needed for February 24, 1992.

Sincerely,

Sandy Robb, Ombudsman  
Chanute Area SRS

SSR/bkm

cc: Governor Finney  
Secretary Donna Whiteman  
Senator Doug Walker  
Representative Teagarden  
Dot Leakey, State Ombudsman  
Sue McKenna  
Herb Hickman  
Tom Keith

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MARCH 2, 1992

STANLEY W. WOLLARD  
RURAL ROUTE 1, BOX 69  
PARKER, KANSAS 66072-9734  
913 898-6552

STATE OF KANSAS  
CAROLYN HILL, DIRECTOR OF YOUTH SERVICES  
300 SW OAKLEY  
TOPEKA, KANSAS 66606

SUBJECT: FORMAL COMPLAINT

DEAR MS. HILL,

We have been falsely accused of child abuse and written to you before. Up to now, we have focused our frustration and complaints with the misconduct of Lola Mc Farland, Mound City, SRS office. We wish to take our complaint to you, now, concerning another individual. We understand that the Juvenile system falls under your jurisdiction and we did not previously know this.

Please accept this as a formal complaint & request for the dismissal of CATHY STOCKARD, Miami County Juvenile Officer for Judge Hill, Paola, Kansas. Here are our complaints:

1. Cathy coached our son that he needed to help her build a case against our family-- he was led to believe that he should tell everything bad he could remember.
2. She took only statements from grandparents (one of whom is a step-grandparent) regarding the problem--while unprofessionally noting in her report there was a poor relationship between them (the grandparents) and the parents (Stan & Jackie Wollard). This statement alone should have alerted her to the accusers motives. These two people have not been in our home for over two years and do not know what goes on here. Previous to this, they were in our home many, many times and never saw evidence of abuse of any kind. If they did, why didn't they report it long ago? Also, Cathy noted other comments by the accusers about my wife that amounts to nothing more than character assassination in an attempt, by Cathy and the accusers, to further develop a case against us. We believe these prejudiced and subjective judgments by the grandparents, with whom there has been little to no contact because of their destructive behavior in the past, should not have been inserted in the report at all.
3. Not thoroughly investigating the accusers (the grandparents) and their allegations.
4. Did not contact our oldest son (Todd Wollard 24 of Parker, Kansas) who is mentioned in the report to determine if problems really existed.
5. Laughing at our son's testimony on sexual issues she said were normal for a boy of his age, then later writing these things, out of the context in which they were said, in her report as potential criminal acts!
6. Told him she wanted to see him get what he wanted to the point of him believing it was almost guaranteed he could:
  - A. Go to live with his grandparents in Paola.
  - B. Or be placed in a good foster home in Paola.
  - C. Could go to school in the Paola school system.
7. Told our son that home schooling was *wrong!* When is she qualified to say what is right and what is not in my family! Her comments could be taken as a violation of the parents right to make this decision. Our right to homeschool is guaranteed by the First and Fourteenth Amendments of our Constitution. Many states not only allow homeschooling, but also have state statutes that encourage it.
8. Asked Aaron if his parents were super religious. This could be taken as religious discrimination. The First Amendment guarantees us the right to exercise our religious beliefs in educating our children without interference from others.
9. Interrogated our son to the point he felt she had prior contact with the grandparents from her line of questioning.
10. Stated in her report that Aaron had tried to cut his wrists and that he showed her a scar 1/4 inch on his left wrist--THERE IS NO SCAR AND NEVER HAS BEEN--NO

ATTEMPT WAS EVER MADE. This is one of the worst statements in the report, totally manufactured in the mind of Cathy Stockard and reported as fact.

... Wrote a report on our family that contains no less than *17 totally false statements and 22 exaggerations, distortions or out of context* while never getting to the real truth of the matter. And this is called an investigation? Ms. Stockard set in motion one of the most traumatic, distressing, frustrating, and emotionally draining experiences ever for our family!

The real truth in our case is that the boy was coached by his grandparents to say he would harm himself--he never would do any such thing--though he had thoughts after his step-grandmother told him "...your suicidal.!" His later psychological evaluation at Shawnee Medical Center would prove this point.

Do the above facts sound like a person who is:

1. Doing a competent job keeping children out of foster care?
2. Reducing an overburdened Foster Care Budget?
3. Sound like someone who is interested in preserving families?

We strongly concur that Cathy Stockard was at the root of the problem that has developed between us and the SRS. We want they system to do the following:

1. Request Cathy Stockards resignation for misconduct.
2. Legal documentation our file as been destroyed.

We thank you in advance for investigating and acting on information here. One of the major problems in the SRS system today is the incompetence, misconduct, and poor ethics of its workers. There are some bad apples that need to be replaced. I would appreciate your response and be more than happy to meet with you personally.

Please feel free to contact our attorney, Sandra Hartley at 913-294-4512, for any clarification of facts as I have stated here and/or as a personal character reference.

Sincerely,

Stanley W. Wollard

cc Ms. Donna Whiteman, Secretary SRS  
Senator Doug Walker  
Representative George Teagarden  
Senator B.D. Kannan  
Governor Joan Finney

THE STATE OF KANSAS



SIXTH JUDICIAL DISTRICT

Stephen D. Hill  
District Judge

Phone: (913) 294-3644

P.O. Box 187  
Paola, Kansas 66071

March 3, 1992

Mr. Stanley W. Wollard  
R.R. 1  
Box 69  
Parker, KS 66072

I have received your letter dated March 2, 1992, requesting the termination of Cathy Stockard, juvenile intake officer.

I have referred this matter to Ms. Stockard's supervisor, Robert Thomas, for further investigation.

As soon as I have received a response from Mr. Thomas, I will advise you of such.

Sincerely,

Stephen D. Hill  
Administrative Judge

CC: Robert Thomas  
Cathy Stockard

MARCH 2, 1992

STANLEY W. WOLLARD  
RURAL ROUTE 1, BOX 69  
PARKER, KANSAS 66072-9734  
913 898-6552

HONORABLE JUDGE HILL,  
P.O. BOX 187  
PAOLA, KANSAS 66071

SUBJECT: FORMAL COMPLAINT

DEAR JUDGE HILL,

*3/10/92  
Cathy's son  
This usually earlier  
now coming earlier  
as are repeat accusations*

We have been falsely accused of child abuse and wish to take our complaint to you concerning an individual in the Juvenile system who falls under your jurisdiction.

Please accept this as a formal complaint & request for the dismissal of CATHY STOCKARD, Miami County Juvenile Officer Paola, Kansas. Here are our complaints:

1. Cathy coached our son that he needed to help her build a case against our family--he was led to believe that he should tell everything bad he could remember.
2. She took only statements from grandparents (one of whom is a step-grandparent) regarding the problem--while unprofessionally noting in her report there was a poor relationship between them (the grandparents) and the parents (Stan & Jackie Wollard). This statement alone should have alerted her to the accusers motives. These two people have not been in our home for over two years and do not know what goes on here. Previous to this, they were in our home many, many times and never saw evidence of abuse of any kind. If they did, why didn't they report it long ago? Also, Cathy noted other comments by the accusers about my wife that amounts to nothing more than character assassination in an attempt, by Cathy and the accusers, to further develop a case against us. We believe these prejudiced and subjective judgments by the grandparents, with whom there has been little to no contact because of their destructive behavior in the past, should not have been inserted in the report at all.
3. Not thoroughly investigating the accusers (the grandparents) and their allegations.
4. Did not contact our oldest son (Todd Wollard 24 of Parker, Kansas) who is mentioned in the report to determine if problems really existed.
- 5. Laughing at our son's testimony on sexual issues she said were normal for a boy of his age, then later writing these things, out of the context in which they were said, in her report as potential criminal acts!
6. Told him she wanted to see him get what he wanted to the point of him believing it was almost guaranteed he could:
  - A. Go to live with his grandparents in Paola.
  - B. Or be placed in a good foster home in Paola.
  - C. Could go to school in the Paola school system.
7. Told our son that home schooling was **wrong!** When is she qualified to say what is right and what is not in my family! Her comments could be taken as a violation of the parents right to make this decision. Our right to homeschool is guaranteed by the First and Fourteenth Amendments of our Constitution. Many states not only allow homeschooling, but also have state statutes that encourage it.
8. Asked Aaron if his parents were super religious. This could be taken as religious discrimination. The First Amendment guarantees us the right to exercise our religious beliefs in educating our children without interference from others.
9. Interrogated our son to the point he felt she had prior contact with the grandparents from her line of questioning.
- 10. Stated in her report that Aaron had tried to cut his wrists and that he showed her a scar 1/4 inch on his left wrist--THERE IS NO SCAR AND NEVER HAS BEEN--NO ATTEMPT WAS EVER MADE. This is one of the worst statements in the report, totally manufactured in the mind of Cathy Stockard and reported as fact.



Wrote a report on our family that contains no less than *17 totally false statements and 22 exaggerations, distortions or out of context* while never getting to the real truth of the matter. And this in called an investigation? Ms. Stockard set in motion one of the most traumatic, distressing, frustrating, and emotionally draining experiences ever for our family!

The real truth in our case is that the boy was coached by his grandparents to say he would harm himself--he never would do any such thing--though he had thoughts after his step-grandmother told him "...your suicidal.!" His later psychological evaluation at Shawnee Medical Center would prove this point.

Do the above facts sound like a person who is:

1. Doing a competent job keeping children out of foster care?
2. Reducing an overburdened Foster Care Budget?
3. Sound like someone who is interested in preserving families?

We strongly concur that Cathy Stockard was at the root of the problem that has developed between us and the SRS. We are asking the system at the state level to do the following:

1. Dismiss Cathy Stockards resignation for misconduct and false reporting.
2. Legal documentation our file as been destroyed.

We thank you in advance for investigating and acting on information here. One of the major problems in the SRS and juvenile system today is the incompetence, misconduct, and poor ethics of its workers. There are some bad apples that need to be replaced. I would appreciate your response and be more than happy to meet with you personally.

Please feel free to contact our attorney, Sandra Hartley at 913-294-4512, for any clarification of facts as I have stated here and/or as a personal character reference.

Sincerely,

Stanley W. Wollard

cc Ms. Donna Whiteman, Secretary SRS  
Senator Doug Walker  
Representative George Teagarden  
Senator B.D. Kannan  
Governor Joan Finney

MARCH 2, 1992

STANLEY W. WOLLARD  
RURAL ROUTE 1, BOX 69  
PARKER, KANSAS 66072-9734  
913 898-6552

PAOLA CITY MANAGER  
MR. SCOTT BOTCHER  
CITY HALL  
PAOLA, KANSAS 66071

SUBJECT: FORMAL COMPLAINT  
SGT. ROBERT BUTTERS

DEAR MR. BOTCHER,

Please accept this as a formal complaint registered against Sergeant Butters, Paola Police Department.

Our family was nearly destroyed, home school and family business disrupted, and marriage potentially broken because of false allegations reported by interfering grandparents who carry a grudge against me and my wife. People in your city acted on these allegations without fully investigating. They subsequently set on their mission to *"build a case against the parents."*, *without fully investigating the truth of the allegations.* Here are our issues:

Case: On September 18, 1992 Sergeant Butters was summoned by our son's (Aaron Wollard) grandparent (Forrest Wollard) and step-grandparent (Eula Wollard) to 109 Waterworks Road to interview him regarding possible child abuse. Our son, Aaron Wollard, later relates the following to us:

1. Sgt. Butters did not interview our son Aaron, initially, independently or separately from the grandparents to get an objective view of the case. Aaron was, at this point, under the influence and intimidation of his grandfather and might have told the truth had Sgt. Butters interviewed him alone first.
2. Encouraged him to fight the system if he wanted to leave home because "...he understood where Aaron was because he was in a similar situation as a child." And that "...he would have to testify in front of 12 of his peers..." to help Aaron. And told him that "...it would be best if Aaron didn't mention this to anyone because it would create a problem for him (Sgt. Butters)." He would tell him that the system would want to put him back home but to stick to his stories. SRS and other authorities will tell you children do not lie. (This means, we have come to learn, they don't lie about their parents but they do lie when speaking against SRS). What we were later to learn is that many of the *"17 false statements and 22 distortions"* that would appear in the intake report were far from the real truth and understanding of the situation that actually existed with our son. He had been taken advantage of by the grandparents, police officer, and intake officer.
3. Gave me no details as to the problem and reason for my son being in their custody-- only that "...he came to them and felt like he needed some help." This was a lie, as it was the grandparents who went to them. The SRS was to be involved and he was placed in a home for the night and was OK. We were very confused and frustrated because Aaron had left home that morning and we suspected he was hiding or with a friend. Sgt. Butters led me to believe that Aaron went directly to the police when, in fact, it was the grandparents who placed Aaron in Butters custody without our knowledge and consent.

We believe Sergeant Butters should receive a strong reprimand and apologize to Aaron and us for: his unnecessary and unethical comments to Aaron, rather than encouraging him to tell the truth and adding to his confusion and distress from the events of the day, his mistake in not interviewing Aaron alone upon arrival at the grandparents home, and his negligence in not telling me the truth as to the circumstances of Aaron's custody. You must understand he had been coached and coerced by the grandparents to say he would harm himself if he had to return home. On the evening of September 19, 1992, when Aaron was returned to our custody, he would tell us that, at one point, he did not trust anyone-- intake officer, SRS worker, Linn County Attorney, Grandparents, or Parents. The trauma

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our son and this family have suffered as a result of actions on the part of Sgt. Butte and Police Officer Cathy Stockard will leave scars for years to come. The mentality of the people in the system with whom we have come in contact is "*build a case against the parents.*" whether or not there is truth to the allegations.

Our son would later admit his error and that "*there is no place like home.*" Had he not been encouraged by those he is supposed to trust in professional positions, none of what our family has been through would have happened. Our son admits he now has a problem trusting those who would help him if he were in real danger in the future.

Our point in requesting this action be taken is two-fold:

1. People in positions of authority concerning children or youth such as Sgt. Butters and Cathy Stockard need to be educated about how much harm can be done to families unnecessarily.
2. People in these positions need to be more cautious and discerning in the future, while dealing with families' and people's lives.

We have been upstanding members of our community and the state of Kansas for nearly 22 years. We have no prior records of any juvenile problems or been reported to SRS for any misconduct in our entire lives. We have had nothing more than a traffic ticket and that was years ago. Suddenly, we are thrown into a system that is geared to help and protect us when it really "*maims*" families. It is unfortunate that citizens have to protect themselves from those placed in positions of authority meant to protect us!

Thank you very much for taking time to review this material. We have addressed our problems with Cathy Stockard to Judge Hill and at the State level to Carolyn Hill, Director of Youth Services. We have also met with Donna Whiteman, Secretary of the SRS at the state level regarding our overall problems with what was done to us.

Please feel free to speak with Attorney Sandra Hartley for a personal reference (294-4512).

Sincerely,

Stanley W. Wollard  
cc Sandra Hartley, Attorney at Law

FEBRUARY 11, 1992

1  
STANLEY W. WOLLARD  
RURAL ROUTE 1, BOX 69  
PARKER, KANSAS 66072-9734  
913 898-6552

STATE OF KANSAS  
DEPARTMENT OF SOCIAL AND  
REHABILITATION SERVICES  
CHANUTE AREA OFFICE  
P.O. BOX 708  
1500 WEST 7TH STREET  
CHANUTE, KANSAS 66720

ATTENTION: MS. SANDY ROBB, OMBUDSMAN

DEAR SANDY,

Thank you for your letter closing our case. I would like to restate that to our knowledge the following information was never obtained in the process of investigating our case:

1. Information from the Shawnee Mission Medical Center was not a part of our file.
2. Information from MIDWEST CHRISTIAN COUNSELING CENTER was not a part of our file.
3. No one ever made contact with any other family member who could have given balance to the false and unfounded accusations of the grandparent and step grandparent.
4. Finally and foremost, we have lived in this community in Kansas for twenty-two years and there is absolutely no prior record or history of any juvenile or family problems here or anywhere else we have lived! Does not your system require checking police records and SRS files for prior contact or involvement?

As we discussed had that information been obtained and made a part of our file at a much earlier stage, your people would have properly exited our case and discontinued their destructive and damaging interference in our family. The SRS system has totally and unnecessarily inflicted deep wounds and scars in this family that will keep us bound until our file is destroyed.

My purpose in pointing these facts out to you is that it is further support for our being so upset with the total abuse of power in the SRS system. In your letter you have "warned" me that if we provide this information and it "...indicates that further intervention would be merited, the information could be used in an assessment of whether the case would be re-opened." I appreciate your advice but feel your remarks intimidating and unnecessary. I am making such an issue of this because our case is, in fact, unfounded and no one in your system will admit their mistakes!

To this end we have asked the Midwest Christian Counseling Center to make an evaluation for our file. We have gone to the length to set up an appointment, at our additional time and expense, with the counselor whose evaluation we are confident will further support our position.

My purpose in advising you of the above is simply to make you aware that we are willing to do whatever is necessary to prove and document our position. We will not rest until our files are completely destroyed or turned over to us. In addition, we will go to whatever lengths necessary at the state level with Ms. Donna Whiteman, Governor Finney, and State Legislators to see that no other family suffers the destruction of those who operate beyond their level of competence and power within your system "so help me God!"

Thank you for your efforts. I can assure you that we will be in touch with you. My invitation for you to come to my home, meet my family, and speak with each of us personally still stands. We have you on our calendar for Monday February 24, 1992. Thank you very much.

Respectfully,

Stanley W. Wollard

cc The Honorable Joan Finney, Governor, State of Kansas  
Ms. Donna Whiteman, Secretary, Department of Social and Rehabilitation  
Services.  
Honorable Senator Doug Walker  
Honorable George Teagarden  
Mr. Tom Keith, Supervisor SRS District Office

Encl. Letter From Sandy Rob to Stan Wollard dated February 7, 1992



STATE OF KANSAS

JOAN FINNEY, Governor

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Chanute Area Office, P.O. Box 708, 1500 West 7th Street, Chanute, Kansas 66720

☎ (316) 431-7100

February 7, 1992

O.D. SPERRY  
Area Director

Mr. Stan Wollard  
Route 1, Box 69  
Parker, Kansas 66072

Dear Mr. Wollard:

I am writing to follow up on our phone conversation of February 7. You have indicated that you feel the agency should have reviewed information from the Christian Counselor and from Shawnee Mission Medical Center in regards to your family's situation as a part of doing a thorough investigation. You believe the agency would have seen from the information that there was not a reason for concern or continued intervention in your family.

As we discussed, at this point, the case on your family is closed. I will be glad to review the information and enter it as a part of the case file, but understand that if the information indicates that further intervention would be merited, the information could be used in an assessment of whether the case would be re-opened.

My purpose in advising you of the above is simply to provide you with information to make an informed decision about whether to arrange for the materials to be sent to me. I will also be checking to see whether these reports are already a part of the case file.

Thanks for visiting with me, and please call if you have questions.

Sincerely,

Sandy Robb, Ombudsman  
Chanute Area SRS

SSR/bkm

JANUARY 18, 1992

STANLEY W. WOLLARD  
RURAL ROUTE 1, BOX 69  
PARKER, KANSAS 66072-9734  
913 898-6552

SOCIAL & REHABILITATION SERVICES  
*PO Box 708*  
CHANUTE, KANSAS *66720*

ATTENTION: SANDY ROBB

SUBJECT: FORMAL COMPLAINT  
MOUND CITY OFFICE, SRS  
LOLA MC FARLAND

DEAR SANDY,

It is our understanding that you are looking into problems with the local SRS office. We received a letter from Donna Whiteman, Directory of the SRS for the State of Kansas, as a result of a meeting with her and State Representative Sherman Jones on November 18, 1991 in Kansas City, Kansas. At that time we gave our testimony of how our case was handled and registered our displeasure with how the SRS system actually works. A copy of the letter we gave to Donna Whiteman is attached for your reference. We are sending this letter to you since Donna noted you were to receive a copy of her letter to us. We in turn will be sending a copy of this letter to Donna and to Leaky.

*MS. WHITEMAN & MS.*

If a formal complaint has not been registered against the SRS office in Mound City, Kansas please accept this as such a complaint from us. If we need an attorney to file a formal complaint we can do that as well. We feel you need to closely investigate the personnel in this office. Our complaint is with Ms. Lola McFarland. Here are our reasons for being so disturbed by the way she handled our case:

1. Did not notify us of where our son was when we called.
2. Did not correct Linn County Attorney Robert Young when he stated to our son, in Lolal's presence, "You need to get yourself admitted to the hospital if we are to make a case against your parents." He also stated to our son that "...we don't give a "D---" about your parents." In a later counseling session in our home, when we expressed our displeasure with his remarks, she would defend his foul language and say that "...his language is colorful."
3. Did not follow-up our hospital evaluation with Aaron at Shawnee Mission Medical Center, establishing our son was not suicidal--she called to see if he was admitted when we missed our appointment. We were speaking with our attorneys regarding our rights and setting up appointments at the church to get the name of a Christian Counseling service that the SRS would accept.
4. Threatened that she would file a CINC petition if we did not agree to sign the OSW-28.1 Service Agreement and said, as she was

- making a copy "My recommendation to the County Attorney will be to not file a CINC petition at this time."
5. Taking our intake report from the Paola Police Department and Cathy Stockard as "gospel" not discerning that this was a teenager in conflict with his parents and thoroughly coached by his grandparents, which included him coached into saying that he was going to harm himself if he had to go back home. Our son did his own deposition on this report and it contains no less than **17 totally false statements and 22 exaggerations!**
  6. Came into our home stating her visit was an investigative meeting and that she had the right to see anything she asked to see--in regards to our home school.
  7. She challenged the legality of our home school. When this failed she focused on trying to prove a case for other abuse--physical, sexual, etc.--yet stated "in our case the pieces of the puzzle didn't fit."
  8. Undermined our parental authority telling our son, in our presence, his grandparents were correct in involving SRS and he should call if he has further problems--the grandparents had no relationship with my family for more than one year and only a two week relationship with our son, which set these events into motion.
  9. Never followed up to get a written copy of Aarons' evaluation at Shawnee Mission Medical Center. She may have eventually, but it was 1-2 weeks after our visit--I had signed a release and got a copy of the evaluation before she did.
  10. Never followed up with our Psychologist Wayne Witcher at Midwest Christian Counseling Center in Kansas City, Missouri. We asked him if she had made contact each visit--he said she had not. She had been provided his business card.
  11. Never questioned the relationship between the grandfather and myself--my fathers relationship with me is the real problem in this family and he will not go to counseling with me to correct it.

We join others in our community that have experienced similar mishandling of their cases by Lola. We have encouraged them to write to you as well.

We read your letter to the editor in the newspaper. We certainly wish that was the way the system operated. Is the system really interested in the welfare of the children?

- o Why are they not made to sit down with their parents and resolve their conflicts rather than placing them in foster care?
- o Why does the system allow "interfering grandparents, unprofessional reports from non-discerning juvenile officers, incomplete evaluations by SRS workers, neighbors, or any anonymous person," to set it into motion?
- o Why do you not fully investigate the accusers and children in some cases?



- o Lola McFarland admitted, herself, in our home, in our presence, and the presence of Freida Miller, that she was from an abusive home. Why do you allow people from abusive homes to have positions in the SRS? Are they not wanting to carry out restitution for their own abusive situations and would they not be looking for it--they are coming from subjective points of view and not objective!

You are putting grandparents, children and others in the position of tearing down the family structure and putting the children in control of homes where they live and grandparents in control of homes where they do not live. Children are suppose to come under the authority of the parents!

We certainly will make ourselves and any information you wish available to you if it is approved by our attorney. Under separate cover I am writing a second letter requesting the damaging information that exists in our files with the SRS be expunged per your guidelines in Section 2000, Subsections 2830, and 2831,B.

I would also be interested in knowing if you are the person with whom I would file a personal complaint against the Juvenile Officer in our case, Ms. Stockard and Sgt. Butters of the Paola Police Department. If so separate letters will be written regarding the performance of these officials in Juvenile Youth Services.

We certainly appreciate your taking time to review this letter and our case. My entire family will be more than happy to meet with you at your request.

Sincerely,

Stanley W. Wollard  
Encl.

cc: Ms. Donna Whiteman, Secretary Department of Social &  
Rehabilitation Services, State of Kansas  
Ms. D. Leakey, Director of Internal Affairs  
The Honorable George Teagarden, Linn County State  
Representative  
The Honorable Sherman Jones, Wyandotte County  
Representative  
The Honorable B.D. Kanan, Senator, Fifth District,  
Wyandotte County  
Mrs. Elisa Breitenbrach, Member National Child Abuse  
Defense and Resource Center

*cy letter to D. Leakey*  
*cy CY 2891*  
srsandr

**PUBLIC FORUM**

**Parker couple contends SRS acted on false accusations**

Do your readers know that a home and family can be invaded, intruded upon and consequently thrown into turmoil and distress without warning by one anonymous phone call — to the county Social Rehabilitation Services? Any disgruntled or grudge-holding neighbor or relative can call the local SRS office or juvenile authority and charge the parent with child abuse of any degree.

Do your readers know an older child or teenager can go to a friend or relative and share with them the NORMAL conflicts and differences of opinion with parents; and that confidante can twist and distort everything shared with them and call it abuse?

Then the authorities, without screening the accuser or investigating the motives behind his/her actions, can interrogate that child or teenager for several hours, convincing him/her that he/she is indeed abused (all of this without the parents' knowledge) and take the child into their "protective custody." Upon notification of the

child's whereabouts, the parents are then accused, threatened, intimidated and undermined all in the presence of the child.

After this is accomplished, SRS then has the authority to compel the family to accept services with the understanding "that participation in this program is voluntary unless court ordered." VOLUNTARY??

And if the "problem," as perceived by SRS, does not improve (by whose evaluation?) the children could be removed from the home. Even after the SRS worker realizes "the pieces don't fit," the case is "not typical," he/she is reluctant (or unwilling) to admit the mistake and leave the family alone.

Instead, they prefer to call the "complaint to be unconfirmed but that there is eligibility for service." Again, forcing the family to accept services (for which the parents are financially obligated, while the salary of the social worker is being paid by the parents' taxes) for a specified time because they "lack

information to make certain what conditions exist in the home."

Perhaps, if just one person had screened the accusers' claim in the first place, there would be no lack of information. In fact, there would not even be a need to do any more than simply return the child to the parents and out of the CLUTCHES of those who would FALSELY ACCUSE.

How do we know this to be true? Because our family is presently involved in this very situation!

SRS claims their goal to be "to protect children . . . from child abuse, neglect and exploitation and to help families stay together." So where was their protection when our child was being emotionally abused and exploited by his/her abusers — THE ACCUSERS?

Stan and Jackie Wollard  
R1, Parker

4-56

# SRS Ends Service for Wollard Family

**PARKER**—The Mound City office of the Department of Social and Rehabilitative Services has terminated its services with the family of Jackie and Stanley Wollard, Route 1. They had been accused of abusing a son, Aaron.

Lola McFarland, a social worker, notified the couple Nov. 12 that its family services program was voluntary and that the case would be ended. She said she had read a letter from the couple that appeared in *The Graphic* and the Linn County News protesting the action of SRS.

**WOLLARD FOLLOWED** up on the notification with a letter to Donna Whiteman, secretary of the Department of Social and Rehabilitative Services in which he protested the involvement of the agency.

"My family was nearly destroyed, our home, school and family business disrupted and marriage potentially broken because of one false allegation reported to a juvenile officer in Miami County and, subsequently, to the SRS in Linn County," he wrote.

**HE ADDED:** "The . . . system, meant to save and protect children, is also piercing the bonding in homes where innocent people are being falsely accused of abuse."

He said the son, who was "coached by others," was told by mature adults in professional positions that it was abuse. "None of those who were in contact with him realized there was a problem in

the relationship between the accusers and myself," he wrote.

"They could have quickly made that decision and returned him to his family, avoiding a great deal of expense and trauma in the family," he added.

**INSTEAD, WOLLARD** wrote Mrs. Whiteman that SRS threatened to take the children away from him and his wife if they did not sign up for counseling and accept six months of SRS services.

He said he has since learned that other families have faced similar accusations.

"The current rehabilitation system is speeding at 70 miles per hour without red lights and sirens to save the real, injured, neglected and abused," he wrote. "In the process they are injuring, maiming or killing those of us following the speed limit at 55 miles per hour. When will it end?" he concluded.

**TO CORRECT** what he calls vague and unjustified claims, Wollard suggested the law needs to be corrected in these areas:

Make a definition of what is and what is not abuse, decide when the SRS should intervene, make a thorough investigation of the accusers and their family relationships, have smaller case load for SRS staff, have more child development training, mandatory in-home family services rather than breaking up the family and giving case workers only one or two families at a time.

## Readers Write

Dear Editor:

I want to thank you for printing our letter in October. As you will recall, we were involved with the SRS after being falsely accused of child abuse. I wish to inform you "Family Services" have been dropped following your publishing of the editorial.

However, we were discouraged with our unjustified involvement. We have also heard from others in Miami and Linn counties who have or are experiencing similar situations. These include broken homes, children removed and parental/guardian authority undermined.

Some children are frightened and intimidated by visits from SRS workers at schools without the parents' knowledge. We have also heard of cases where involvement

was needed and necessary with proof presented, but nothing was done.

Our situation brought us into contact with a support group named VOCAL (Victims of Child Abuse Laws) for which we were deeply grateful. This group of people, ourselves included, had a meeting with Donna Whiteman, secretary of the Department of Social and Rehabilitative Services, Topeka. We presented her with a letter in person and gave our testimony on Nov. 14. We know there are more people in this area that are hurting from a similar experience.

We encourage all of them to write Ms. Whiteman and their representatives in the Legislature.

Sincerely,  
Stan and Jackie Wollard  
Parker, Kan.

4-5-7

JUVENILE DEPARTMENT of the DISTRICT COURT  
EIGHTEENTH JUDICIAL DISTRICT OF KANSAS  
1015 S. MINNESOTA STREET  
WICHITA, KANSAS 67211-2730

JUDGES' CHAMBERS (316) 383-7487  
DEPARTMENT ADMINISTRATOR (316) 383-7487  
CLERK (316) 383-7241



CHILD IN NEED OF CARE SECTION (316) 383-7782  
JUVENILE PROBATION SECTION (316) 383-7245

March 13, 1992

Hon. Roy Ehrlich  
35th District  
State Capital  
Topeka, Kansas 66612

Re: Senate Bill No. 672

Dear Senator Ehrlich:

I am writing to comment on Senate Bill No. 672. I have great concerns over the effect this bill would have on our ability to conduct the affairs of the juvenile department.

In 1991, we had a total of 208 days available for contested hearings of all nature in child in need of care cases including adjudications, dispositions, reviews, and motions for termination of parental rights. In 1991, 51 motions for termination of parental rights were filed. These motions required 131 days of hearings of the 208 days we had available.

If jury trials were required, you would very conservatively estimate that an additional day would have to be added to each motion for termination. Using the 1991 statistics, that means 182 days, minimum, out of the 208 days we had available for hearings would have been consumed by hearing on motions for terminations. This would have left us 26 days for the court's other business.

In addition to the time factor, we would have a terrible logistics problem with such jury trials. Our juvenile facilities are located miles away from the county courthouse. Our jury clerk and jury pool are located at the main courthouse. Assignment of jurors to our facility could become a difficult transportation problem, and it would probably require the additional position of a jury clerk for our facility which is not likely to happen. This is not an additional duty our court services officers would absorb. We have seven C.S.O.'s monitoring over 1220 child in need of care cases. In 1991, they attended approximately 3800 hearings and prepared journal entries for all of them.

*Sen. Ehrlich  
Attn: 5  
3-20-92*

Page 2  
Senator Ehrlich  
March 13, 1992

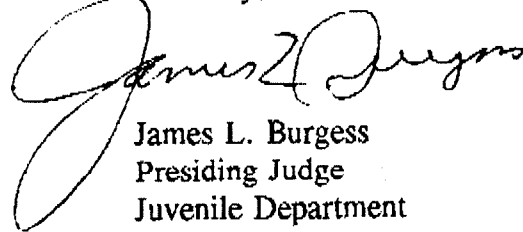
There is also the aspect of the nature of the child in need of care case. In most cases, a motion for termination is not filed for an extended period after the case is filed. Parents are given the opportunity to take steps to rehabilitate the family. During this time, these parties come before this court for frequent review hearings. During this time the court has an opportunity to ascertain the level of commitment of the parents and their attitude. The court can assess whether the parents have encountered barriers not of their own making in trying to follow the orders of the court. Succinctly stated, the court has a much better and informed assessment of the case after working with it than a jury would have. Since a court has a better feel for the case, lawyers would be compelled to present their cases in significant detail to a jury to capture the entire history and to establish the intangibles that a court has observed. This would lead to even greater consumption of court time.

Another consideration concerns jury instructions. Both the criminal and civil law areas have extensive, established jury instructions which have been collected in Pattern Instructions for Kansas. Since the juvenile area has not had jury instructions, there is no such body of instructions for juvenile cases and it will take a long while for this to develop. Development in this area comes about as a result of the appellate courts reviewing trial court instructions. If jury trials are mandated in termination proceedings, there will be a higher incidence of cases appealed bringing a further element of uncertainty in an area in which children need and deserve certainty and finality.

The last area I wish to address is the requirement of giving notice to grandparents and the nearest relative of the parent. Grandparent notice is a duty that falls on the court services officers. As indicated above, C.S.O.'s are working at and above their capacity. They are not in a position to provide the services to clients they want and need to provide. I simply can not conceive of requiring them to perform an additional duty such as this. This notice has had effect in only the absolutely rarest of cases.

If you wish to discuss any of our concerns, I would be more than happy to visit with you.

Sincerely,



James L. Burgess  
Presiding Judge  
Juvenile Department

JLB:pds

# K P M A

615 S. Topeka Blvd. • Topeka, Kansas 66603 • (913) 354-7611

Kansas Podiatric Medical Association

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Wichita, Kansas 67203  
(316) 943-0521

DATE: March 20, 1992

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**PHYLLIS A. RAGLEY, D.P.M.**  
901 Kentucky, #104  
Lawrence, Kansas 66044  
(913) 843-4202

SUBJECT: House Bill #3102, AN ACT establishing a Podiatry Review Committee, abolishing the Advisory Committee on Podiatry

### SECRETARY-TREASURER

**LAWRENCE GASTON, D.P.M.**  
3320 Clinton Parkway Ct., Suite 100  
Lawrence, KS 66047  
(913) 843-0973

Chairman Erlich and members of the Senate Public Health and Welfare Committee:

### DIRECTOR

**DONALD A. MAHRLE, D.P.M.**  
4019 S.W. 21st  
Topeka, KS 66604  
(913) 272-7600

My name is Wayne Probasco and I am the Executive Secretary and the legal counsel for the Kansas Podiatric Medical Association.

### DIRECTOR

**DAVID LAHA**  
12800 W. 87th St. Parkway  
Suite 100  
Lenexa, KS 66215  
(913) 888-7229

The Kansas Podiatric Medical Association is in favor of the passage of House Bill #3102.

### IMMEDIATE PAST-PRESIDENT

**RICHARD D. KRAUSE, D.P.M.**  
3109 12th Street  
Great Bend, Kansas 67530  
(316) 793-6592J

Prior to 1973 the podiatry profession was under the supervision of their own Board of Podiatry Examiners. This board had been in effect for many years, functioning with the State Board of Healing Arts.

### IMMEDIATE PAST MEMBER OF ST. BOARD OF HEALING ARTS

**HAROLD J. SAUDER, D.P.M.**  
200 N. 8th St., Box 372  
Independence, Kansas 67301  
(316) 331-1840

In 1973 Governor Bennett, by executive order, eliminated Board of Podiatry Examiners. Legislation was then enacted putting one Podiatrist on the State Board of Healing Arts and K.S.A. 74-3807 was enacted wherein three Podiatrists were to be appointed by the Governor as the Advisory Committee on Podiatry.

### MEMBER OF ST. BOARD OF HEALING ARTS

**IRWIN WAXMAN, D.P.M.**  
7301 Mission Rd.  
Prairie Village, Kansas 66208  
(913) 432-2000

The House Governmental Organizations' sunset review of the Board of Healing Arts has recommended the elimination, in House Bill #2670, of the Advisory Committee on Podiatry.

### EXECUTIVE SECRETARY

**WAYNE PROBASCO**  
615 S. Topeka Blvd.  
Topeka, Kansas 66603  
(913) 354-7611

The Association is in favor of this bill for the following reasons:

1. There is but one Podiatrist on the State Board of Healing Arts and the Association feels that this person should have other professionals to discuss and visit with.

2. Give to the State Board of Healing Arts the use of and the availability of expert professional opinions and that the appointment to this Review Committee would give some legal authority and cloak that person with legal immunity.

*Quate HW*  
*Att # 6*  
*3-22-92*

3. To have a Podiatry Review Committee for that profession similar to the other health care professionals.

It is recommended by the Association that any Podiatrist appointed to the Review Committee be appointed for a specified term of years. The bill states: "The Review Committee shall be composed of not less than 2 members." In that instance we suggest that one person be appointed for a period of 2 years, the other person appointed for 4 years for a specified term and that thereafter the terms would be on a 4 year basis.

Respectfully submitted,



Wayne Probasco

# State of Kansas

235 S. TOPEKA BLVD.  
TOPEKA, KS 66603



913-296-7413  
FAX: 913-296-0852

## Board of Healing Arts

### M E M O R A N D U M

TO: Senate Committee on Public Health and Welfare

FROM: Lawrence T. Buening, Jr. *LTB*  
Executive Director

RE: House Bill 3102

DATE: March 20, 1992

Mister Chairman and members of the Committee, thank you for the opportunity to appear before you and express the support of the State Board of Healing Arts for House Bill 3102. This bill was recommended by the House Subcommittee #2 on Governmental Organization following an indepth sunset review of the State Board of Healing Arts. The bill as passed by the House would create a review committee for the practice of podiatry and would abolish the existing advisory committee on podiatry.

This Committee should be aware that HB 2670 passed the House and, as amended, would likewise abolish the advisory committee on podiatry. That bill is presently before the Senate Committee on Governmental Organization. Secondly, at the time this bill was introduced, the House Subcommittee on Governmental Organization was aware of the provisions contained in Senate Bill 694 for amending

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*Senate Bill  
attm 7  
3-20-92*



Senate Committee on Public Health & Welfare  
March 20, 1992  
Page Two

the current provisions relating to review committees created under the Healing Arts Act for medical, osteopathic and chiropractic doctors. As a result, the language contained in House Bill 3102 was intended to make the review committee language for the practice of podiatry uniform with that for the three branches of the healing arts as set forth in section two of SB 694. However, since SB 694 was not passed, the uniformity of the provisions has not been accomplished. Therefore, attached to this testimony is a proposed balloon which would make the language similar for both podiatry and the three review committees created under the healing arts act. This language is very similar to that which is contained in section two of SB 694 which was not objected to by any person or entity in the hearing before this Committee. In addition, the balloon contains a new section four which would make the review committee for the practice of podiatry a "health care provider group" for purposes of peer review under K.S.A. 1991 Supp. 65-4915.

The Board supports HB 3102 and respectfully requests that the proposed balloon amendments be included within the bill. Thank you for your attention. I would be happy to respond to any questions.

HOUSE BILL No. 3102

By Committee on Governmental Organization

2-24

8 AN ACT relating to podiatry; providing for establishment and ap- review committees established by the state board of healing arts;  
9 pointment of a review committee; abolishing the advisory com- for the practice of podiatry  
10 mittee on podiatry; amending K.S.A. 74-2807 and repealing the  
11 existing section 2.

K.S.A. 1991 Supp. 65-4915 and K.S.A. 65-2840c and

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

14 New Section 1. The state board of healing arts shall establish During the course of an investigation involving alleged  
15 and appoint a review committee for the practice of podiatry. The professional incompetence, unprofessional conduct or any other  
16 review committee shall be composed of not less than two members. matter which may result in the revocation, suspension,  
17 The members shall be licensed podiatrists. Additional members of limitation, censure or denial of a license or permit to practice  
18 the review committee may be appointed on an ad hoc basis. Such podiatry pursuant to K.S.A. 1991 Supp. 65-2006 and amendments  
19 additional members shall be licensed podiatrists. Members of the thereto, such matters may be presented to the review committee.

20 The state board of healing arts shall not be eligible to act as members  
21 of the review committee. Members of the review committee may  
22 be selected from names submitted by the state podiatry association.  
23 The state board of healing arts shall ensure that no conflict of interest  
24 exists by reason of geography, personal or professional relationship,  
25 or otherwise, between any of the review committee members and  
26 any person whose conduct is being reviewed. Members of the review  
27 committee attending meetings of such committee shall be paid com- The state board of healing arts shall establish the  
28 pensation, subsistence allowances, mileage and expenses as provided compensation to be paid to review committee members.  
29 by K.S.A. 75-3223, and amendments thereto.

30 Sec. 2. K.S.A. 74-2807 is hereby amended to read as follows:  
31 74-2807. (a) There is hereby established an *The* advisory com-  
32 mittee on podiatry which shall be advisory to and consult with  
33 the board of healing arts in the administration of laws regarding  
34 the qualifications and examination of podiatrists. The advisory  
35 committee shall consist of three (3) members who shall be  
36 appointed by the governor and in making such appointments  
37 the governor shall as far as practicable make his or her ap-  
38 pointments so that the members of such committee will be  
39 residents of different parts of the state. The members of such  
40 committee shall serve for a term of four (4) years and until  
41 their successors are appointed and qualified except that the  
42 members of the first committee shall be appointed by the gov-  
43 ernor within sixty (60) days after the effective date of this order

72

1 and shall serve for terms as follows: One for a term of two (2)  
2 years; one for a term of three (3) years; and one for a term of  
3 four (4) years. The governor in making the appointments shall  
4 designate the term for which each is to serve. Thereafter upon  
5 the expiration of said terms of office, successors shall be ap-  
6 pointed in the same manner as original appointments for terms  
7 of four (4) years. Upon the completion of such appointments,  
8 the governor shall designate the date of the first meeting of  
9 such committee. Any vacancy occurring in the membership of  
10 the committee shall be filled in the same manner as the original  
11 appointment for the remainder of the unexpired term.

12 (b) The members of such advisory committee attending  
13 meetings of such committee or attending a subcommittee meet-  
14 ing thereof authorized by such committee shall be paid sub-  
15 sistence allowances, mileage and other expenses as provided  
16 in K.S.A. 75-3223, or any amendments thereto, but shall receive  
17 no compensation for services as such members *established by*  
18 *this section prior to its amendment by this act is hereby abolished.*

19 (b) *On the effective date of this act, all of the powers, duties*  
20 *and functions of the advisory committee on podiatry shall be and*  
21 *hereby are abolished.*

22 (c) *On and after the effective date of this act, whenever the*  
23 *advisory committee on podiatry is referred to or designated by a*  
24 *statute or other document, such reference or designation shall be*  
25 *null and void and of no force and effect whatsoever.*

26 (d) *On the effective date of this act, all of the records, memo-*  
27 *randa, writings and property of the advisory committee on podiatry*  
28 *shall be and hereby are transferred to the state board of healing*  
29 *arts.*

30  
31  
32

7-4

Sec. 3. K.S.A. 65-2840c is hereby amended to read as follows:  
65-2840c. Review committees shall be established and appointed by the state board of healing arts for each branch of the healing arts as necessary to implement the provisions of this act. Each review committee shall be composed of ~~three~~ *not less than two* members. ~~Two~~ *The review committee* members and their designated alternates shall serve for a period of two years, all of whom shall be members of the same branch of the healing arts as the person whose conduct is being reviewed. ~~The third member of the~~ *Additional members of a* review committee shall *may* be appointed on an *ad hoc* basis, and shall be of the same branch of the healing arts and specialty, if any, as the person whose conduct is being reviewed. Members of the state board of healing arts shall not be eligible to act as members of the review committee. Members of the review committee who are licensees of the state board of healing arts may be selected from names submitted by the state professional association for the branch of healing arts involved. The board of healing arts shall ensure that no conflict of interest exists by reason of geography, personal or professional relationship, or otherwise, between any of the review committee members and any person whose conduct is being reviewed. *The board shall establish the compensation to be paid to review committee members.* The members of such review committees attending meetings of such committees shall be paid ~~compensation~~, subsistence allowances, mileage and expenses as provided by K.S.A. 75-3223 and amendments thereto.

Sec. 4. K.S.A. 1991 Supp. 65-4915 is hereby amended to read as follows:

**65-4915.** Peer review; health care providers, services and costs; definitions; authority of peer review officer or committee;

records and testimony of information contained therein privileged; exceptions. (a) As used in this section:

(1) "Health care provider" means: (A) Those persons and entities defined as a health care provider under K.S.A. 40-3401 and amendments thereto; and (B) a dentist licensed by the Kansas dental board, a dental hygienist licensed by the Kansas dental board, a professional nurse licensed by the board of nursing, a practical nurse licensed by the board of nursing, a mental health technician licensed by the board of nursing, a physical therapist assistant certified by the state board of healing arts, an occupational therapist registered by the state board of healing arts, an occupational therapy assistant registered by the state board of healing arts, a respiratory therapist registered by the state board of healing arts and a physician's assistant registered by the state board of healing arts.

(2) "Health care provider group" means:  
(A) A state or local association of health care providers;  
(B) the board of governors created under K.S.A. 40-3403 and amendments thereto;  
(C) an organization of health care providers formed pursuant to state or federal law and authorized to evaluate medical and health care services;

(D) a review committee operating pursuant to K.S.A. 65-2840b through 65-2840d or section 1 of 1992 House Bill No. 3102 and amendments thereto;

...

9-2

Sec 3, 5. K.S.A. 74-2807, K.S.A. 65-2840c and K.S.A. 1991 Supp. 65-4915 are ~~is~~ hereby repealed.

Sec 4, 6. This act shall take effect and be in force from and after its publication in the statute book.