

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Bill Mason at 1:35 p.m. on March 13, 2003 in Room 313-S of the Capitol.

All members were present except: Representative Tom Burroughs
Representative Ray Cox
Representative John Edmonds
Representative Joann Freeborn
Representative Candy Ruff

Committee staff present: Russell Mills, Legislative Research Department
Mary Torrence, Office of Revisor of Statutes
Rose Marie Glatt, Committee Secretary

Conferees appearing: **Proponents:**
Representative Bonnie Huy
Representative Frank Miller
Joan Gordon, Private Citizen
Elisa Breitenbach, Private Citizen
Vickie Burris, Parent
Winnie Cline, Citizens For Change, Family Advocate
Judy Mitchell, Caring and Sharing Grandparents
Mike Lazzo, Attorney, Sedgewick County
Don Burchett, Minister, Int'l Pentecostal Holiness Church
Wade Hampton Bowie

Others attending: See Attached

HB 2300 - Children in need of care; family preservation; access to records and reports by legislators; information to parents upon child being taken into custody; testing for SRS employees and foster care parents; placement with relatives

HB 2354 - Child in need of care; family preservation; legislator access to CINC records and child abuse and neglect records

Representative Huy spoke to the committee about the difficulty that families have experienced with SRS Child Protective Services Attachment 1). Legislators receive complaints about tactics of social services that include falsified reports of child abuse, coercive and leading interviews with children to obtain untrue disclosures of abuse, deception, threats, impossible expectations placed upon parents even after initial problems have been addressed and resolved, and numerous other indignities.

HB 2354 is supported by a coalition of legislators and makes four major changes:

- Strengthens the language concerning the SRS use of family preservation with children in protective or temporary custody.
- Allows legislators access to Children In Need of Care records.
- After a child is found to be in need of care, requires that the court utilize family preservation services prior to removing the child from the custody of the parents, except in certain situations.
- Requires the Secretary of SRS to provide to the legislature an annual report on family preservation services.

It is past time for child welfare reforms in Kansas and she urged the committee to support **HB 2354**.

Representative Frank Miller drafted **HB 2300** in response to the many complaints he received from people regarding the services of SRS (Attachment 2). He described three cases in which the actions of SRS were questionable. When he tried to investigate these cases, he was told the information was confidential and

believes that the main problem with SRS is that the whole organization is shrouded in a veil of secrecy that leaves legislators with little information other than that provided by the alleged perpetrator, parent, or guardian.

He suggested that the ten changes explained in **HB 2300** will help make the SRS more responsible and sensitive to the lifetime needs of the children they are entrusted to protect. He acknowledged that SRS has one of the toughest jobs in the Kansas government, however the intent of his bill is to remove some of the secrecy surrounding the agency and get it more focused on family preservation.

Joan Gordon spoke to the committee regarding her granddaughter Hailey House (Attachment 3). She was taken from her home on January 23, 2001 and placed in a foster home because of a hotline report to SRS from her babysitter. She provided the dateline for activities and court hearings over the next three months and fifteen days. Hailey was returned home when the case was cleared from the courts and her father's name removed from the molester's list. The costs to the family were almost \$33,000. She urged the committee to consider child welfare reform.

Elisa Breitenbach, reported that the children of Kansas are in great crisis due to the inability to communicate with SRS (Attachment 4). She was advised by the a member of the judicial office that the legislators of certain committees have a tool with which they can open any SRS records for investigative reasons. She informed him that was not the case. There are twelve states that have open justice. She had documentation that shows that it is not harmful to children to open up third party records or to have open hearings. She urged the committee to take action to protect the children of the state.

Vickie Burris rose in support of both bills before the committee (Attachment 5). She related a story about the experience she and her daughter had with SRS. **HB 2300** would address the funding issues regarding Family Preservation and provide parents with written documentation when a child is taken into custody. **HB 2354** would require SRS to report statistics annually to the legislators. She asked the committee for their support. Included in her testimony was a petition with over 600 names, which read "*We the undersigned hereby request that our Honorably Elected Officials support all legislation that minimizes government intervention into families and supports the strengthening of parental rights and the preservation of families*" (The first page is included in her testimony, the remainder are on file in 170-W, the office of Representative Mason, Chairman of the Federal and State Affairs Committee.

Winnie Cline expressed her support of **HB 2300** and **HB 2354** (Attachment 6). She testified that children's problems have not disappeared and there is continuing abuse of children and family rights in Kansas. They must lift the veil of secrecy that surrounds the Child In Need of Care cases that hide the inexcusable abuses of families and children in the state.

Judy Mitchell spoke in support of **HB 2300** and **HB 2354** and applauded many of the changes that would result from the new bills (Attachment 7). She suggested that there was a huge difference between discipline and beating, however she expressed concern that to some SRS employees there was no difference. Without passing legislation that addresses these issues they cannot go forward with their goal of making every child safe in Kansas.

Mike Lazzo is under contract with the State of Kansas, and represents indigent parents in Children In Need of Care cases on a court appointed basis (Attachment 8). He confirmed that the testimony that had been presented expressed real frustrations that people have in the system. The proposed House Bills would provide needed reform to the CINC system in allowing Legislators access to CINC records and requiring SRS to prepare an annual report about family preservation services. He voiced his opinion on various parts of the bills.

Reverend Don Burchett, testified about two people's experiences with the SRS system (Attachment 9). He has worked closely with these people and followed their progress toward regaining their children from the Child In Need of Care program. He voiced concern over SRS's ultimate power, leaving no apparent recourse for the families of children under their charge. He urged the committee to pass legislation that would change the bureaucracy of SRS.

Wade Hampton Bowie, Jr. appeared as a private citizen taking a neutral position. A resume was included that attests to his expertise in the child care system. He stated that he has witnessed many incidents where there was very egregious actions, behaviors and misdirected activities on the part of different participants in various stages of the Child in Need of Care Program and questioned if the "system" have means in place that identifies and regularly applies remedial action to correct the failures or inadequacies of the individuals responsible. He offered comments on ten sections of the proposed legislation for the committee's consideration (Attachment 10).

Mr. Lasso was asked to describe the benefit of a new facilitation project in Wichita using remediation between SRS and parents, grandparents or guardians of the child. It was a pilot project based on successful programs in other states. He agreed to provide information on those programs at the committee's request.

In response to a question about the effectiveness of the two proposed bills, Mr. Bowie and Mr. Lasso stated that the bills were good as far as they went, however there were larger problems. The length of time children stayed in the system was too long, little control over the mediation process and lack of training for staff in understanding evidence instead of making emotional decisions. The current language has minimal standards and the guidelines need to use more specific terms, like substantial risk or imminent harm before a child is taken out of the home.

Discussions followed regarding the qualifications and real life experiences of social workers that make the decisions that carry grave consequences for families. There was dialogue over the question of whether it is proper in our justice system to remove children from the family and home when there is not enough evidence to convict the parent of a crime.

Testimony was distributed from Concerned Women For America regarding the Children's Internet Filtering Protection (Attachment 11)

The hearing was closed on **HB 2300 & HB 2354**. The meeting adjourned at 3:20 p.m. with the next meeting scheduled for March 18, 1:30 p.m., room 313-S at the Capitol

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE March 13, 2003

<u>NAME</u>	<u>REPRESENTING</u>
Gwen Richard	KCDAA
Daynentalicker	Student
Wade H. Bowie, Jr	Citizen
Connie Wells	Citizen
Tim Lloyd	Citizen
Jim Bertrand	Citizen
Winnie Cline	Family Advocate
Vickie Burris	Parent / Family Advocate
Judy Mitchell	Grandparent Caring & Sharing
Jean Anderson & Clair Gordon	Grandparent representing Harley House
Michael Rayno	Parent Advocate
Bill & Thelma Lays	Wichita, KS, Citizens
Jean Karuek	Leadership Cowley Co.
Katy Mally	Leadership Co
Don Burchett	IPHC Cathedral of Praise Conf Supl. Harvest Post 12 F
C. FRANK MILLER	431-N CAPITOL
Dijo Lohens	Caring & Sharing grandparents 906 Buchanan, Hutchinson, KS
Mareka Howard	26 W Bigger, Hutchinson, KS Caring & Sharing Grandparents
Raymond S. Kauffman	700 W. Morgan Ave - State
Mary Kauffman, Rep	182 W Capitol
ART TITMASON	Office of Judicial Administration

STATE OF KANSAS

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HOUSE OF REPRESENTATIVES

87TH DISTRICT

Testimony Supporting House Bill 2354

Children in Need of Care

March 13, 2003

Chairman Mason and distinguished members of the committee, thank you for your attention to this important issue for Kansas families and children.

For too many years, legislators have been hearing from constituents about their families being torn apart by SRS Child Protective Services. These are not wild claims made by abusive parents who have justifiably lost their children. These are stories of innocent families and children abused by a system that is responsible for protecting children and providing services to families in need.

In many cases the mere suspicion of some act against a child results in the removal of the child from the home. It only takes an anonymous tip to emotionally and financially destroy a family. Often children are not removed from their homes because their lives or safety are in danger. They are removed for such things as accidental injuries, dirty carpets, electricity shut off, missing school and more.

Legislators receive complaints about tactics of social services that include falsified reports of child abuse, coercive and leading interviews with children to obtain untrue disclosures of abuse, deception, threats, impossible expectations placed upon parents even after initial problems have been addressed and resolved, and numerous other indignities.

The agency and some of its foster care providers are often in violation of the Children in Need of Care Code and state statutes as validated by a "University of Kansas Analysis of the CINC Code Procedures," available through Legislative Research.

Both parents and grandparents have reported that SRS and foster care providers seldom notify parents of medical appointments or emergency treatment for their children. Children are sometimes moved across the state or out of state so parents cannot comply with a case plan that requires interaction with the children, which sets the family up for failure. I have personally known four sets of very suitable grandparents who wanted and requested that their grandchildren be placed with them at no cost to the state and were denied – a blatant violation of current law. There are reports that SRS fails to provide family preservation services when required to reunite the children with the parents. There are accounts of retaliation against parents and grandparents who contact their legislators or who go pul

His Federal & State Affairs

Date: 3-13-03

Attachment # 1

Page

Research shows that it is better for children's mental health to stay at home as long as they are not in danger. Studies prove that breaking up the family unit is harmful and traumatic for the entire family. Child abuse can't always be measured in bruises and broken bones. According to the ACLU's Children's Right's Project, there is a 99.9% guarantee that the child will suffer emotional trauma at being separated from parents. Studies have proven that the prison population contains a disproportionately large population of adult foster children.

While there are many conscientious and caring people within the SRS with the best of intentions to protect children, the system is broken and is devastating families and hurting children. There are too many children in state custody who don't need to be in the system at all. In my view the system is overwhelmed with enormous caseloads and caseworkers have even less time to find children in real danger.

The Child Protective Service functions behind a veil of secrecy with absolute power. Secrecy lets the system avoid accountability. CPS has been granted unlimited authority and in too many cases has become judge, jury and executioner.

Closed courtrooms, confidential files and total statutory immunity create an attitude unbecoming an agency purportedly serving the best interests of the community. Unlimited power breeds unlimited abuse.

Families plead with us for help, but because of the confidentiality restrictions in Statute, we have to tell them there is nothing we can do, which is incomprehensible to them ... and to me.

With the enactment of the Adoption and Safe Family Act (ASFA), states and private agencies now have financial incentives to keep children in foster care and financial incentives to place them for adoption, but no financial incentives to keep them in their own homes or return them to their family.

Children have become a commodity, resulting in the creation of a multi-billion dollar industry because states don't get federal funds unless children are placed in foster care. The National Commission on Children found that children often are removed from their families "prematurely and unnecessarily" because federal aid formulas give states "a strong financial incentive" to do so rather than provide services to keep families together.

House Bill 2354 is supported by a coalition of legislators and as drafted:

- Strengthens the language concerning SRS's use of family preservation with children in protective custody or temporary custody.
- Allows legislators access to Children In Need of Care records, subject to confidentiality laws.
- After a child is found to be in need of care, requires that the court utilize family preservation services prior to removing the child from the custody of the parents, except in certain situations (i.e., if there is evidence of physical abandonment, physical abuse, sexual abuse).

- **Requires the Secretary of SRS to provide to the legislature an annual report on family preservation services.**

The majority of the children in state custody tend to come from low-income homes. These families don't have the resources or know-how to go up against "Goliath." Since when did it become a crime to be poor? And since when did children become "at risk" just because their parents are poor? And who will protect them from abuse by the system?

Legislators are elected to be the voice of the people, yet we are not allowed to speak for our constituents whose children are placed in state custody because of the confidentiality restrictions and the veil of secrecy that only serves to protect the bureaucracy.

There are several examples of successful programs in other states, but I'll only cite the Alabama "System of Care," which is the single most successful child welfare reform in the country. The Alabama reforms are the result of a consent decree that grew out of a lawsuit that required the state to rebuild its entire system from the bottom up with an emphasis on keeping families together. The number of children taken from their homes has dropped dramatically and an independent court-appointed monitor has concluded that children in Alabama are safer now than before the system switched to a family preservation model.

It's past time for child welfare reforms in Kansas ... that protect children, provide wrap-around services when needed and strengthen and preserve families.

Thank you for your patience in hearing my lengthy testimony. I trust you will share my passion to advocate for Kansas families and children by supporting HB 2354.

Sincerely,

Representative Bonnie Huy

Early

Reduce need for foster care

A need that unites ideological opposites Sen. Hillary Rodham Clinton, D-N.Y., and House Majority Leader Tom DeLay, R-Texas, must be important. This one sure is.

Ms. Clinton and Mr. DeLay recently wrote a joint commentary for USA Today calling for the foster-care system to focus more on prevention and early intervention.

"Greater emphasis needs to be put on reducing both the number of children in the system and the length of time they stay in foster care," the lawmakers wrote.

The federal government now gives states almost \$7 billion annually for child-welfare services. But most of that money is spent after a child is removed from a home.

"Instead, it should be used to provide more preventive resources — to keep children out of foster care to begin with — and to assist children after they leave the system," the lawmakers wrote.

The Kansas Department of Social and Rehabilitation Services has emphasized prevention in recent years. It worked with local stakeholders to develop community-service plans aimed at preserving families and avoiding out-of-home placements. And it has made progress reducing foster-care roles.

But state-budget shortfalls have forced cutbacks. And though SRS recognizes that reducing prevention spending may be pound-foolish, it has had few options — as foster care is mandated but prevention isn't.

Ms. Clinton and Mr. DeLay want to help by changing how the federal government finances the child-welfare system. President Bush also has proposed helping states do more to prevent children from entering foster care.

But mostly, the lawmakers want prevention to be a priority — and rightly so. As the political odd couple noted, "If a public-policy dilemma can bring the two of us together, it clearly deserves a hard look from everyone."



Tim Brinton

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HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: EDUCATION
 HEALTH AND HUMAN
 SERVICES
 ETHICS AND ELECTIONS
 LEGISLATIVE POST AUDIT

Thursday 13, 2003

Federal and State Affairs Committee
 Honorable William G. Mason Chairman
 Testimony in Support of HB2300

It is my pleasure to come before this committee to testify in support of HB2300.

Since becoming a Representative for the 12th district I have had many persons come to me for help regarding their children. Many of these children have been forcefully removed from their homes and placed in foster care. Some of these cases I have refrained from becoming involved with since on the surface it appears that SRS has legitimacy in removing the child. In other cases I have found that legitimacy questionable. I will speak of only three cases.

Mrs. Joan Gordon is present and will give her own testimony so I will not elaborate on her case.

Mrs. DD grew up in foster care and was sexually molested by her foster parent, but no charges were ever filed. Subsequently, she was moved to about 4 different foster homes and finally ended up running away. She then moved in with her father and was impregnated in a rape by a school friend. That child died of health complications within the first year. She married and had 4 daughters, but her husband died and left her with little financial support. SRS came and removed her daughters from the home and placed them in foster care. The reason given for taking the girls was neglect by the mother. It was found through counseling that she had an emotional problem that could be treated medically. It has now been (I believe) 2 years that her 4 girls have been in foster care.

Mr. LD has 4 boys, one of which was sexually molested in Arkansas by his estranged wife's brother, who was later charged and found guilty. However, LD did not know that he should have reported this to the SRS, an omission that SRS has used as an indication of neglect. He moved his boys back to Independence 1999-2000 and enrolled himself in an AA program to get cured of an alcohol addiction problem. While at the AA school, he left his boys in the custody of his sister, who turned the boys in to the SRS, and then ran off. LD has been alcohol free since that time and has become very active in one of our local churches. SRS has asked him to go to all kinds of counseling, take an ABLE test, and family training, which he has done as best possible. In desperation to get his boys back, he went public about a year ago and that really made SRS mad as well as the judge handling his case. But – who wouldn't if your kids were taken away! His boys have now been in custody for over two years and he has seen them only on a few occasions. LD is now working, remodeling a home he hopes will satisfy SRS, and allow him to bring his boys back. He is physically impaired due to the amputation of one of his legs due to cancer early in his life. He is a faithful attendee of church, and is very musically gifted, conducting numerous concerts in our local churches. Rev. Don Burchett is his minister and he too is here today and will testify about LD and about another member of his church.

Most of what I know about these cases came to me via one of the parents, since there is no way to find out anything regarding these cases from the SRS. We are told information about the
 CONFIDENTIAL. The main problem with the SRS is that the whole organi

HS Federal & State Affairs

Date: 3.13.03

Attachment # 2

Page

secrecy that leaves legislators with little information other than that provided by the alleged perpetrator, parent, or guardian. We hope HB2300 will help make the SRS more responsible and sensitive to the lifetime needs of the children they are entrusted to protect.

The following is a brief explanation of the bill:

New Section 1 requires the secretary of SRS to establish a program to provide daycare vouchers to indigent parents when attending CINC hearings or meetings.

New Sec. 2 requires an employee of SRS to provide to the parent/guardian within 24 hours of taking the child into custody written documentation concerning the child, such as the date, time and place of the taking of the child; name of person taking the child into custody; and why the child was taken into custody.

New Sec. 3 provides that except in certain situations, the parents will be notified of CINC hearings not less than 10 days prior to the hearing and such notice shall be by restricted mail. Notice is not required if the judge previously announced the date in court.

New Sec. 4 requires SRS to only place people on the child abuse registry if such person is a substantiated perpetrator, see definition (ff) page 7.

Sec. 5 amends K.S.A. 38-1501 to provide that the CINC code's primary objective is to preserve the family.

Sec. 6 amends K.S.A. 38-1502, the definition section of the code, to revise the definition of neglect, and add definitions for; substantiated abuse or neglect -- substantiated perpetrator -- child abuse and neglect central registry.

Sec. 7 and 8 amend K.S.A. 38-1542 and 38-1543, the protective custody and temporary custody statutes, requiring the court to first consider placement of the child with the parents, and if that is not a viable alternative, to a relative of the child. If a relative placement is not a viable alternative, then the court would consider others. This section also strengthens the language concerning SRS's use of family preservation in those cases.

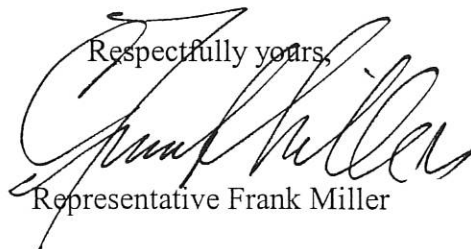
Sec. 9 amends K.S.A. 38-1559 requiring SRS and the court to convene a family conference prior to placing the child with someone besides the child's parent.

Sec. 10 amends K.S.A. 38-1563 which is the section in the law which discusses the disposition of the child after the child is found to be in need of care. First the amendment would require the court to first consider placement of the child with the parents, and if that is not a viable alternative, to a relative of the child. If a relative placement is not a viable alternative, then the court would consider others. Second, the revisions would require all visitations with the child to be unattended unless ordered attended by the court. Third, the amendment would require the court to utilize family preservation services prior to removing the child from the custody of the parents, except in certain situations. Further, the revisions prohibit the court from awarding child support to a relative unless the relative requests child support. Finally, the amendment requires SRS to pay an indigent relative child support if the parents are indigent. Such support would not exceed the amount SRS would pay a foster care provider.

It is fair to say that the SRS is entrusted to one of the toughest jobs in the Kansas Government, and it is not my intent that this bill would weaken SRS. The intent is to remove some of the secrecy surrounding the agency and get it more focused on family preservation.

I stand for questions, and trust the committee will support HB2300 and pass it out favorably for passage.

Respectfully yours,



Representative Frank Miller

TIME LINE
CASE OF HAILEY HOUSE
AND SRS 2001

CLAIR AND JOAN GORDON. ...Grandparents of Hailey House
1-23-2001 -Hailey House removed from home by SRS on babysitters Hotline Call.
1-24-2001 - Lawyers retained for father, Scott House, and mother, Susan House.
Hailey tested, then sent to Foster Care by SRS...Test negative.
1-25 to 28th 2001 - Many calls made to Kaw Valley Center for information
about Hailey. None returned.
1-29-2001 - Emergency petition for the foster care of Hailey by her aunt and
Uncle (Steve and Cathy Gordon) filed both by US mail and Fax.
2-1-2001 - Letter requesting assistance in this matter sent to Sen. Dennis
Moore, Rep. Frank Miller and Sen. Derek Schmidt
2-8-2001 Hailey gone 17 days..SRS knows nothing of emergency petition filed
by Steve and Cathy Gordon. Lawyer is retained for Steve and Cathy G.
2-12-2001 -Hailey's 5th birthday.
2-20-2001- Hearing. Hailey gone 28 days
3-10-2001 - Chronological report sent to several..Hailey now gone 51 days.
3-20-2001 - Home visit to Steve and Cathy's home by Jean Constantine of SRS.
4-6-9- 2001 - Letters of rebuttal (and pictures) about the home visit are sent
to several people.
4-20-2001 - Hailey gone 88 days. Lois Gibbs replaces Jean Constantine.
4-25-2001 - Hailey finally with family after more duress from SRS..PRAISES!!!
5-3-2001 - Little Ike comes home.
5-9-2001 - Hailey gone 106 days. Court held ..new proposals made to PROVE
Scott and Susan innocent. No charges filed against anyone.
Lawyers decide on plan.
to 8-9-2001 - Scott and Susan attend every class and seminar as perscribed
by SRS..Missing many work hours..hurting job stability.
8-10-2001 - Hailey gone 199 days. Private tests presented by lawyer, James
Carpenter and their results. Hailey returned to parents today!
8-23-2001 - Final Hearing...Charges that were never filed are dismissed. Scott
name removed from the molester's list.
TOTAL COST: Grandparents..(lawyers, tests, Hailey's school..\$24,101.02
Scott and Susan..(time off work for tests, for classes required by
SRS, gasoline and phone) \$8,439.90
\$32,540.92
8-24-26-2001 Houses move from State,

Hs Federal & State Affairs
Date: 3.13.03
Attachment # 3
Page

Good Afternoon! I am Joan Gordon. My husband, Clair, and I are glad to be here. We came at Mr. Miller's request because we strongly feel that legislation is needed to put some restraints on the SRS and their negligent expenditures and actions.

The case we represent is about our granddaughter, Hailey House. She was taken from her home on January 23, 2001, because of a hotline report from her babysitter saying Hailey said, "My daddy plays with my pee-pee! Lawyers were retained for the father and mother, Scott and Susan House, on January 24th. Even tho all tests were negative, Hailey was sent to Foster Care. Scott and Susan are not charged but are told that to stay out of jail they must attend certain classes and seminars. These are not held at the convenience of working people..so hours off work, permission to do so, and travel gasoline is needed. Also, SRS put Scotts name on a molesters list which required them to move 2 times during this seven month period. Little Ike, Hailey's 2 year old brother, is taken to relatives out of state as the parents are unsure as to what SRS is going to do. A brief time-line is before you.

An emergency petition for custody is filed January 29th, 2 different ways. One on SRS forms through Kaw Valley Center, and the other by Fax. This is to put Hailey in the care of her aunt and uncle, Steve and Cathy Gordon. Our lawyers could find nothing out so we requested help from Senator Dennis Moore, and Derek Schmidt and Rep. Frank Miller.(Who was then in our district.) On February 8th, Steve and Cathy are told SRS knows nothing of their emergency petition to place Hailey with them. a nightmare?????...YES! On March 10th a Chronological report is sent to several people. Hailey now gone 51 days.

Jean Constantine from SRS makes the required home visit on March 20th to Steve and Cathy's home. It was distorted and untrue in many areas in the report. Steve and Cathy send letters of rebuttal and pictures about the home to several people and Kaw Valley Center.

By April 20th, Hailey has been gone 88 days. Lois Gibbs replaces Jean Constantine at this time on the case. After four different periods of duress with the SRS, Steve and Cathy receive Hailey on April 25th. Praises!!! Hailey is finally with family after 92 days.

She is enrolled in Maranatha Christian Academy where Steve is a music teacher. The addition of an energetic five year old makes their busy lives, even busier. We are very grateful they were there to help.

May a hearing is held. Kaw Valley was told by the judge to have all testing done by August 10th hearing. Scott and Susan have to PROVE their innocence. No charges are filed against anyone. Our lawyers decide to do tests privately. Tests have been being done since April by our lawyers. During the rest of May, June, and July Susan was allowed an hour visit with Hailey at Kaw Valley Center every 2 weeks..unless it was canceled! She never saw her father at all.

Scott called Kaw Valley Center many times to find out about HIS testing. He was told.."Don't call us, We'll call YOU when you are needed". They called him once....for a 30 minute interview.

As of August 10th, 2001 Hailey had been gone for 199 days. All private tests are completed. Mr. Carpenter presents the results of all the tests done privately to the court. The judge returns Hailey to the parents..THAT DAY!!.. but allowed two more weeks for the District Attorney to have a final hearing August 23rd, 2001. August 13th-24th found us with Susan, Hailey and Ike. We were concerned because Scott must be out of town to work. Previous actions had made us feel the SRS is not always legitmate or ethical in their dealing. August 23, 2001, the case was cleared from the courts and Scott's name is taken off the molester's list.

Hailey spent 3 months, 15 days in Steve and Cathy's care. The total SRS sent them was \$125.00. THEY are not complaining. I am! Groceries alone were more than that.

The total costs to us and to Scott and Susan was \$32,540.92. We learned we could not recover anything by filing against the SRS as they are under the state immunity umbrella. However, thanks to Mr. Miller, we were able to file a grievence against the state. We did file the paperwork and I've presented the case several times to committees. We only filed the dollar costs ...not anything for the scars left and which we hope will ~~diminsh~~ with time. After Mr. Miller filed our grievence with the state...SRS marked it off the bill and he had to refile it. Our grateful appreciation to Mr. Miller who helped us retrieve this money. Money like that isn't in our normal funds so it was a blessing when we could pay the second mortgage on our home in July, 2002.

We appreciate and are grateful for this opportunity to present our side of the story. This is a drastic economic time where saving everywhere is a necessity. We feel this expense to the state was ridiculous besides the multiple wounds it has caused. SRS never filed a charge but carried the show forward with no basis. Thank goodness for the recovery of dollar costs. Thank You for listening

March 13, 2003
Federal and State Affairs Committee

It comes as a great honor to come before your committee and give you a backdrop to try and help you understand the great need for HB 2354. Children in need of care truly need your assistance in helping them achieve the rights of HB2354. Many times they face a problem that is two fold. First the children's best interest comes after the states best interest and second many of their cases reflect the arrogance that almost always accompanies power with out accountability. S.R.S. has effectively become a law unto itself.

The only way to fix foster care is to have less of it. That means the legislature and the media with the help and aid of attorneys must demand S.R.S. to be fundamentally changed so their approach to vulnerable children and families work for them, not against them. S.R.S. and agencies like them have an enormous incentive to see no evil, hear no evil, and speak no evil.

When a child is taken from a safe home or one that could be made safe with the right kind of services, only to be beaten, raped or killed in foster care how is that "Erring on the side of the child?" When you read between the lines, "Erring on the side of a child" does not protect children-It protects the system so much it can justify a death of a child.

The history of family preservation and its successful alternatives can come free of charge to you from the National Coalition for Child Protection Reform. Mr. Richard Wexler the Executive Director can be reached at (703-212-2006) or e-mail nccpr@aol.com or his web site www.nccpr.org.

The state needs to spend more on child welfare, but it also needs to spend smarter for alternatives to Foster care. Not only are there safer and more humane ways than Foster care they often cost less. The cost of an Intensive Preservation Service Intervention for example is about 1/3 the cost of a year in foster care.

The Governors of Kansas have never understood the dynamics of Family Preservation and how it affects the future of our state. They have all seemed to shift Federal money away from efforts to keep families together and we see the legacy they have left behind. A handful of states have turned around failing child protection services, but none have done it with out embracing Family Preservation.

Little Brian Clark Edgar in some ways was lucky. His pain and suffering ended but not in vane. He had a legislator champion a bill Sen. Bill 67 to open records for other dead children. It is strange it took so many lives to get at least this far.

I have been opening records and trying to open eyes and minds on child protection reform for over 19 years. The greatest accomplishment I saw was when Sen. Kay O'Connor agreed to ask Legislative Post Audit to audit dangerous foster homes. It took Sen. Kay O Conner and I months to get Legislative Post Audit to agree to do the audit. It

Hs Federal & State Affairs
Date: 3.13.03
Attachment # 4
Page

is my belief if not for the fact that the media kept bringing out more S.R.S. fatalities that we would have failed to get the audit even then. The Brian Clark Edgar Case should teach us abandoning family preservation has caused far to many tragedies. Having supposedly "put children first," has taken the lives of to many innocent vulnerable children.

Just think how Brian Clark Edgar's natural Grandmother feels. She is the one who called to get help for her grandson. We have a 5-page letter she wrote the Kansas Judiciary Committee about the unnecessary loss of her Biological grandson for anyone who wants to see it.

The fact that states now gets bounties for every finalized adoption over a base line number. The bounty is called ASFA. It stands for Adoption and Safe Families Act passed in 1997. Since it was passed the total increase in foster child adoptions have been about 8,000. But the total number of children in foster care rose from 520,000 to 547,000. Furthermore of those 8,000 adoptions at least 1,600 are likely to fail. Leaving the results of children like Brian Clark Edgar or Douglas Brumley. It is no problem for the state because Congress has provided a second bounty on the child's head. Once adopted out the second time the state collects a second bounty. Congress has made it a nice way for S.R.S. to collect money. Congress has no idea how their bounty on our children's heads has flooded foster care and affected the future of America. The only option in child welfare for which there is no financial incentive either to states, local governments or private agencies is keeping families together.

Agencies like S.R.S. need to be penalized financially for allowing children to languish in foster care. This was done in Illinois amazing things began to happen. The intractable became tractable, the dysfunctional became functional and the state's foster care population plummeted from 51,000 to 38,000 in just two years with no compromise to safety. Indeed, a study found that children allowed to remain in their own homes with services, following abuse reports, were less likely to be reabused than children were likely to be abused in foster care.

Michigan is very serious about Family Preservation also it is the only state that has taken the real intensive family preservation service IFPS programs and made them readily available state wide. Real family preservation programs are more humane than foster care, less expensive than foster care and most important **safer than foster care**. In Alabama Ivor Groves, the independent, court-appointed monitor, concluded that children in Alabama are safer now than before the system switched to family preservation model. With the impact of reversing financial incentives in Illinois, the successes in Alabama and Michigan all show that there is a better way. Pittsburg is another success story since May of 1997 the foster care population has been reduced by 20%. Kansas's children need more than just their records opened after they are killed. They need more than just Laws on the books that are never enforced. We do not have to destroy children in order to save them. I do not think anyone wants to believe S.R.S. has anything but the best of motives, but the issue is not motivation the issue is results. The people of Kansas must demand solutions that offer real hope to our states most vulnerable children. I have had endless

phone contact with S.R.S. and a meeting with the top heads of S.R.S. and have never been told what if any family preservation model S.R.S. uses. The children and families in the state of Ks. have been in a state of crisis for to long. In humbleness and earnestness I am begging that you stop the Profane Justice that is being used against Ks. children. These children are not falling within a crack, but a Secret Little Grand Canyon we call S.R.S. The children of Ks. need Sunshine on them and their cases. Not Sunshine on their graves. That is much to late. Let a light shine into the Secret Little Grand Canyon of S.R.S. to expose the truth, so that truth may prevail. It is my hope that all children will be treated equal and protected from any and all forms of abuse. There should be no secret place in our state to abuse vulnerable children. Support HB2354.

With High Hopes

Elisa Marie Breitenbach

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Vickie L. Burris
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Good afternoon. I am Vickie Burris. I am a lifelong resident of Kansas. My home since January 1987 is in Belle Plaine, Kansas. I have been employed at Raytheon Aircraft first known as Beech Aircraft as a direct employee and as a contractor for 25 years as of today. I am a single mother of three children. I stand here today with all due respect in support of House Bills 2300 and 2354.

My oldest daughter was admitted to the hospital on January 5, 2000. She had been diagnosed as severely depressed and oppositional. It was determined by her doctors that she was in need of long term residential care. Although I have very good insurance benefits through my employment my insurance would not cover my daughter's needs.

On April 5, 2000 I met with the doctors, hospital staff, Sumner Mental Health Center, a Social Worker from the Wellington SRS, and Eloise Reeves, President of NAMI CAN. I presented these same individuals with a copy of my concerns, issues and problems regarding my daughter and her current and ongoing care. At the conclusion of this meeting I was assured by Michelle Davis of SRS and Larry Roth of Sumner Mental Health that they would work together to provide the needed services for my daughter. These services were to be in the form of SED Waivers and Wrap Around Processes that were to be made available without my child being taken into SRS custody. **I made sure that there was no mistake about this.** Michelle Davis went so far as to add that her supervisor Jonell Ala and the Sumner County Attorney had committed to providing my daughter any and all help needed **WITHOUT** a Child in Need of Care petition. My situation was deemed to be financial. All parties agreed this was not a case of neglect or abuse but simply a case of a single mother with insurance that would not provide for the needed long-term care.

On April 24, 2000 after visiting my daughter at the hospital I arrived home and called to tell her goodnight. I was notified by Pamela Crocker, the Via Christi St. Joseph nurse that my daughter had been taken into the State of Kansas Department of Social and Rehabilitation Services Custody as a Child in Need of Care. Apparently my insurance company ceased paying for her hospital care due to the fact that her doctor at that time, Dr. Mukhtar Shah, failed to provide proper information to the insurance company. In essence my daughter was taken from me like a thief in the night. The State of Kansas Department of Social and Rehabilitation Services claimed that they had a right to take her due to financial reasons. Several individuals have informed me that this is illegal. According to Kansas Law the SRS can not take a child away from their parents for financial reasons.

House Bill 2300 addresses the funding issues regarding Family Preservation and the provision of services by the SRS. Had this bill been in place in 2000 my daughter would be at home with her family today.

This House Bill also addresses providing parents with written documentation when a child is taken into custody. Written documentation providing the particulars in detail of the occurrence. I was not afforded this luxury. It was not until the next day after many phone calls that I finally came home from work to find a Youthville envelope unaddressed on the front door of my home. Inside the envelope was a plain piece of paper that simply stated "Court 8:30 a.m. 04/26/2000".

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I was not even completely sure this information was for me. It certainly did not provide me with any information as to what had happened, where "Court" was to take place nor why.

Over the course of the last 35 months there have been several court hearings on this juvenile case. There have been numerous occasions where I was not notified of the court hearings until after the fact when a St. Francis Academy Social Worker, Janet Slanker would call me at my place of employment and tell me what a bad parent I was for not having come to court. Janet Slanker would go into great detail as to the effect my absence in court had on my daughter. Janet Slanker would also inform me that I would never have my child returned home if I continued to not appear at court. In my investigation I found that my court hearing notifications had been sent to Wellington and Newton Kansas to addresses I had never resided. To date I continue to receive Journal Entries in the mail after a court hearing but I do not consistently receive advance notification of court hearings. If Hearing Notification had been by restricted mail I would have been awarded the opportunity to have been present in every court hearing thus sending a strong message to my daughter that I was still there and still cared very much for her.

My parental rights have not been severed or terminated. However for all intent and purposes they are non-existent. I have not been allowed to have any contact with my daughter since she was abused by a staff worker at the Eastridge Facility in Winfield, Kansas in April 2001. At this time she was placed in anonymous foster care. It has been 24 months since I have had contact with my daughter outside of seeing her at a distance at the courthouse. My other two children were finally allowed two supervised sibling visitations for one hour each after 19 months of separation. Today they again have not seen their sister since November 2002. Another 4 months. Does this sound like reasonable efforts by the SRS to preserve the family unit?

There was never any effort by the SRS for Family Preservation through any avenue. On several occasions the grandparents, aunts and uncles have attempted to have contact with my daughter. Several members of this family have even filed papers with the court to have my daughter placed with them. An aunt exerted great effort in attempting to have my daughter come live with her. She went through three home studies by three different agencies. She passed all court ordered and Inter-State Compact requirements. We were told that my daughter was going to be moving in with her aunt. Then a St. Francis Academy Case Worker intentionally reported erroneous information to the court. The aunt was rewarded with a No Contact Order. Does this sound like reasonable efforts on behalf of the SRS and its private agencies to preserve families and place children with kin?

In August 2001 I met with my State Representative Bill McCreary and provided him with the information on this case. Representative McCreary has tried to schedule meetings with myself and the SRS in an effort to resolve this situation. I was asked to complete a SRS Release of Information Form allowing Representative McCreary to participate in the meeting and for SRS to share information regarding the case. I went immediately to the Wellington SRS office and completed the form. Representative McCreary still has not been allowed to have the information from the SRS on this case.

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It is imperative to have the laws in place that would allow the State Legislators to obtain written permission from a parent for the legislator to review and copy the file and records concerning the child. This intervention and review would reveal all sides of the situations and enable the legislators to assist their constituents in their endeavors to maintain an intact family unit.

House Bill 2354 would require the SRS to report statistics annually to the legislators. Until there is accountability the numbers will continue to increase. Families will continue to be unnecessarily destroyed and devastated.

My daughter should have NEVER been taken into SRS custody. Although I have diligently tried to regain custody of my daughter over the past 35 months my requests have fallen upon deaf ears. Every child must have access to community-based, culturally-appropriate services, which help them grow up safe, healthy and spiritually strong – free from abuse, neglect, sexual exploitation and the damaging effects of substance abuse.

A petition for child support has now been filed against me as the respondent in this action prompted by the State of Kansas Department of Social and Rehabilitation Services. The petition requests that the court award them \$53,000.00 of my hard earned money for the care they have provided for my child since April 2000 through August 2002. In addition it is being requested that I be court ordered to continually provide monies to this agency on a continual and ongoing basis for the ongoing care of my child while they continue to maintain incarceration of my child in their custody. It is further requested that I be court ordered to provide Medical Insurance and be held responsible for any expenditures that might occur and pay for any expenses occurred by the State of Kansas and the Department of Social and Rehabilitation Services for this action. I am insulted, offended and bewildered. With all due respect I have to ask, Is it the opinion of the State that I am to provide a "blank check" for the past and future abuse of my child? I am demeaned by this action and feel defamed by the insinuation that I have not provided proper medical insurance for my child. This child as well as all of my children have had medical insurance coverage provided by me constantly and continually since the date of their conception.

Medical coverage is ongoing and in effect today. I have not been able to ensure that my daughter have the benefit of this insurance on a continual basis simply because she is neither in my care nor in my control. The caseworkers continually ignore my ongoing and constant requests for use of the insurance and that her care be provided by trusted physicians and facilities.

My daughter is Navajo, she is registered on the Navajo Roll and does have a Certificate of Indian Blood. The Indian Child Welfare Act, 25 U.S.C. 1901, et. seq. was never even considered or any part of it acknowledged in this case.

To date my daughter has not ever to my knowledge received the benefit of this law recognizing the special relationship between the United States and the Indian tribes and their members and the Federal responsibility to Indian people. There is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and that the United States has a direct interest, as trustee, in protecting Indian children who are members of an Indian tribe.

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The bonds of my family are being stretched and strained to a point of near collapse due to the unwarranted removal of my child by nontribal public and private agencies and the placement continuously in both foster and institution non-Indian care. This has ultimately resulted in the abuse, neglect and injury to my child. The State of Kansas, the Department of Social and Rehabilitation Services, the Private Agencies, the Foster Care and the Court has exercised their recognized jurisdiction over Indian child custody proceedings through administrative and judicial bodies and have failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families.

I initially contacted SRS to obtain financial assistance to enable me to provide my daughter with Long Term Care that was deemed necessary by her attending psychiatrist. Shortly after this initial contact SRS by seizing my daughter has violated numerous State and Federal laws. Over a 35-month period SRS has placed my daughter in a psychiatric institution, an adolescent care facility, numerous foster homes and shelters. While SRS claims that reintegration with the family was the goal it could be nothing further from the truth. It is my understanding in researching the laws and meeting on many occasions with lawmakers that family preservation should be the first action taken as well as placement with kin. This has never happened and is not reflected anywhere in the 35 months accumulation of paperwork from any of the facilities or agencies involved. I feel my daughter has been kidnapped and made victim of the rawest forms of abuse in the hands of the SRS and its private agencies. In addition the family has been victimized and abused as well.

My daughter was removed from the last foster home in November 2002. This was due to the foster parents' abuse and negligence resulting in her hospitalization with a life threatening illness. While she remains in the custody of the State of Kansas she lives with her employer not in foster care, not at home.

Even though my daughter is no longer in foster care and is living with her employer who is not compensated for my daughter's care, the SRS reports that it costs them \$1213.00 per month for her to be in their custody.

Her release from custody is forthcoming – she will be 18 years of age in just a few days. Will my daughter come home? Will we ever have a family relationship or has the system so completely alienated the family from this child that she will think herself homeless without family?

I stand for questions.

We the undersigned hereby request that our Honorably Elected Officials support all legislation that minimizes government intervention into families and supports the strengthening of parental rights and the preservation of families.

No.	Printed Name	Signature	Street Address	City	County	State	Zip	E-mail
1	Kim Harker	Kim Harker	7011/2 Rd	A.L, KS	Cowley	KS	67665	
2	Ethel Johnson	Ethel Johnson	917 S. Gove	Wichita	Sedgewick	KS	67207	inymart@226.com
3	Cerald H. Hanzel	Cerald H. Hanzel	15721 NW 48th	Wichita	Harvey	KS	67217	
4	Thomas Dixon	THOMAS DIXON	204 Michelle Dr	Wilton	Harvey	KS	67251	
5	Susan Dixon	THOMAS DIXON	204 Michelle Dr	Wilton	Harvey	KS	67251	
6	James E. Hope	James E Hope	45-A. Biederstein	Wichita	Sedgewick	KS	67214	
7	Amanda Richardson	Amanda Richardson	5206 E Harry	Wichita	Sedgewick	KS	67218	
8	BAKE JOHNSON	[Signature]	5206 ELPYCO	WICHITA	SEDEGWICK	KS	67214	
9	Made Dawnport	Made Dawnport	3232 S. Clifton Blvd	Wichita	Sedgewick	KS	67216	
10	Walter Wilson	[Signature]	2524 ROSENTHAL	WICHITA	SEDEGWICK	KS	67204	
11	W. Schmitt	Walter Schmitt	231 N. WARE	ANDOVER	BUTLER	KS	67007	
12	Erin Kirby	Erin Kirby	209 Sunflower	Wichita	Sedg.	KS	67217	
13	Susan Baker	Susan Baker		Wichita	Sedg.	KS		
14	Virginia M. Murphy	Virginia M. Murphy	2015 Ryan	Wichita	Sedg.	KS	67207	
15	Carol French	Carol French	5815 W. 41st	Wichita	Sedg.	KS	67215	

Speech before Federal and State Committee
On House Bills 2300 and 2354
March 13, 2003

Good afternoon Committee Members, other State Representatives, Citizens of Kansas. I appreciate the opportunity to speak here today in support of the House Bill 2300 and 2354.

My name is Winnie Cline, family advocate and President of Citizens for Change, Inc. an advocacy group located in Wichita, Kansas.

I think it is important that viewpoints from concerned citizens, organizations, professionals and non-professionals are shared with our governing body on all issues. I believe that unless all information available is accessed, no honorable decision can be made and the quality of life for families and children in the State of Kansas will not improve.

It was almost a year ago that I was here in Topeka, advocating for Legislation that would have made a difference.

I wish I could stand here today and report that many of the problems we were concerned about have disappeared. I can only say that efforts have been made by a few. The only success I can report is that lines of communication are opening up and I have become aware of those that are willing to listen to our concerns.

Children continue to be needlessly removed from their homes, inaccurate information seems to find it's way on court papers. Parents are still not notified of their rights, and I still find that when a worker states that a parent has refused services, that is an assumption because in reality, the parent did not know or understand what services were available.

I have witnessed parents being yelled at by several workers at the same time until the parent was so confused that nothing could be accomplished.

The mere mention of the SRS and what they can do can send people into total fear and terror. Children under school age are seen hiding in their homes, terrified at the knock at the door, fearing that someone is coming to take them away like they did their brother or sister. They do not know what is going on and could not really explain it to you but they know the last time they saw a policeman at their home one of their family disappeared and never came back.

I still witness children afraid to go to school for fear that all those people will come and take them out of class and ask them all those questions, and they won't call mommy or daddy.

People still report to me that their child has been told by social workers that there is a good chance that they will have to be taken away from their mother. Then sends them back to class.

Parents still come to me with reports that their child came to a visit with numerous bruises, and when they ask about them, they are told that accidents happen.

I have seen little children run from police and social workers, screaming and trying to hide, screaming, " help me, don't let them take me." I have seen a handicap child that cannot walk, fall out of his wheel chair and drag himself quietly, unnoticed by the authorities, around a corner so they will not see him. I then watched as he was picked up, screaming in terror because he was being taken from his home, not knowing where he was going. I have listened as the child described how the foster mother stood him out in the yard and hosed him down in front of the other children because he could not crawl fast enough to the bathroom and had soiled himself.

I witnessed a tall skinny child, age 5, taken from the home, driven to a public park by a social worker. There was a couple sitting on a park bench. The social worker told the child, "This is your new mommy and daddy from now on. The social worker turned around and left. The strangers put the child in their car and drove off.

We have to lift the veil of secrecy that surrounds the Child In Need of Care cases. I believe in confidentiality but I do not believe in a veil of secrecy that hides the inexcusable abuses of families and children in this state. I do not understand the confidentiality laws in place! The state believes that when parental rights are terminated it is OK for the children's picture and name to be put on a web site for all to see. Pictures and names published in the Newspapers and put on TV but no one can talk about the case.

How can our lawmakers help their constituents when they cannot get any information except what the parent can tell them? Parents do not know all the information the state is using against them. When you are caught in the system, it is like fighting a ghost. It is there and can hurt you but you cannot see it, not allowed to know what it is.

As we all know. There is true abuse. I have been made aware of abuses reported many times by numerous individuals, (professionals) yet the cries and abuse of these children are ignored. Why?

I continually hear that GAL, attorneys, social workers, therapists, family support workers and other agency workers do not get paid enough money for them to care enough to do everything they are required to do for the children. They are too busy. I believe a job

done right the first time is never quite as expensive or difficult as trying to correct mistakes.

How my heart aches for the children and their families when I hear that statement. Have we lost sight of the purpose here and the only thing that matters is money? My fear is that the answer is a big resounding "YES!"

How else can anyone explain the retaliation that so many suffer when they fight for their rights and fight for their children? The state seems determined to win their power struggle with the parent.

As I respectfully stand before you today and support House Bill 2300 and 2354, I ask you; Do you hear the children cry? Do you understand the destruction of families that is taking place? Are you up to the challenge of making changes that can make a difference in so many lives? If you can answer yes to these questions, please carefully consider these bills. This is a start in the right direction.

Thank you again for the opportunity to speak to you today. I have been asked if I am afraid to do what I do and to speak out in public. Should I be? Quite truthfully, I am afraid not to. To hide from the truth is to condone the wrong. I learned a long time ago, you are either a part of the problem or part of the solution. I choose the later.

OH! By the way, The little girl that was left in the park and taken away by strangers, her name is "Winnie."

Minnie Clise

Winnie Cline
Family Advocacy
for Change

Today, Good Morning America reported that Congress will be screening the film "Antwone Fisher," a true story about a child brutalized in foster care. Reports indicate that child advocates are begging Congress not to cut funds for foster care. American Family Advocacy Center believes it is time that the real parents of foster children be heard on this issue.

We are advising people to take advantage of this opportunity to express your concerns about foster care and how it affects your children. Congress must be made to understand that most children who are removed from their families do not require medical care for injuries or neglect, which means in-home services would be sufficient to guarantee safety and well being of those children. Foster care is being over-used and is costing taxpayers billions of dollars a year while it is seriously and permanently harming innocent children in the process.

We need to make congress understand that many times, our children are taken wrongfully. And even if they weren't, we still love our children and are horrified to be helpless witnesses to foster care abuse that far exceeds what was alleged in the family home and the subsequent cover-ups of that abuse to protect the interests of the state over the best interests of the child.

To address remedies for foster care problems, we make the following recommendations:

Increase funding and remove obstacles for kinship care providers, and mandate that kinship care SHALL be given priority over stranger foster care. Increase funding for in-home services and mandate that in-home services be given priority over foster care.

Eliminate conflicts of interest by mandating reports of abuse or neglect in foster care are NOT reported to or investigated by Child Protection agencies, and that the independent investigating body be required make unannounced visits to all foster homes and to question foster children outside the presence of foster caregivers.

Eliminate immunity for placing children in dangerous foster homes.

Mandate a foster child's Bill of Rights which requires the state and foster parents to respect and facilitate the parent's cultural and religious practices for the child and to honor the parent's prerogatives and values when making decisions about the child.

Mandate that a child shall not be placed in a home with another child who has a history of violence or sexual conduct.

Mandate that very young children shall not be placed in foster homes with older children - recommend a maximum 2 year spread in ages from oldest to youngest child who are not siblings.

Mandate that if foster care is not superior care, that the child be returned to his family, to be determined by a risk assessment of the foster home before placing the child there.

fighting CPS and winning!

To Attend a Seminar in Ft. Smith, Arkansas OR St. Louis, Missouri OR

Sheboygan, Wisconsin go to

http://www.profane-justice.org/html/seminar_.html

American Family Advocacy Center

<http://www.profane-justice.org>

Caring & Sharing Grandparents, Inc. Advocacy & Support

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March 13, 2003

Federal and State Affairs Committee Members,

Thank you for the privilege of speaking to you today concerning House Bill's 2300 and 2354.

I am speaking to more and more families, not just grandparents almost daily. I am happy that our Legislators are writing bills that are meant to help SRS and the other agencies that are supposed to be taking care of our abused and neglected children. There seems to be a blatant disregard to the laws they are supposed to be following. Common sense seems to be a thing of the past today.

In House Bill 2300 I especially like the mention of 'preserving families', the statement "A house that does not create a health hazard shall not constitute neglect" and that "either parents or extended families" need to be looked at seriously before a stranger is handed our children and grandchildren. Much money and many more families can be saved if more Family Preservation services are utilized. All of these appear to be lacking when an investigation is happening with a family. Some workers seem to have the idea that family members are not a good choice since 'the proverbial apple' does not fall far from the tree and this is grossly overused and abused.

You have mentioned in two areas of HB 2300 where Family Preservation need not be used. One instance mentioned concerns me. That is when there is 'evidence' of 'physical abuse'. As long as the definition of child abuse as is written on page 8 and 9 in K.S.A. 21-4204a lines 34-38 is being followed I see no problem but that is not always the case. What is in place if that is not being followed? How can the citizens protect themselves and their families when that definition is not being followed? Also if there is physical abuse, can those abusers not be helped by Family Preservation? If there is physical abuse going on in the home what a better time for Family Preservation to be used unless the child is being hurt badly. There is a huge difference in disciplining a child and beating a child and today that does not seem to matter to some workers. Sometimes just some parenting skills will help that situation. Most times it is just a judgment call from a social worker and families are completely destroyed because of this. This is happening many times as well where it may look like physical abuse when only a spanking has happened.

Hs Federal & State Affairs

Date: 3-13-03

Attachment # 7

Page _____

Are we getting so out of control with our workers that everything looks like child abuse today? Granted there are cases where physical child abuse has happened but I question how many are actual abuse cases. Also what constitutes child abuse? What does it look like? Is it a swat on the behind abuse or not getting a child something he/she wants in Wal-Mart and the child throws a tantrum in the store child abuse? Is it not having enough money to buy food for the family or not having money to pay for electricity child abuse?

The definitions of substantiated abuse, neglect and a perpetrator having to be confirmed by a court order is much needed as well. It is being reported to me that some are being charged with abuse and or neglect and there is no court hearing to substantiate that decision yet the workers are telling parents they are going to be placed on the child abuse and neglect central registry anyway.

It is wonderful that extended families are going to be considered first when a placement is necessary for these children when this bill is passed. This will not be as traumatic for everyone concerned especially for the children and perhaps more families can be brought back together.

It is exciting to see in this HB Bill 2300 that visitation will be unattended unless ordered by the court and that families can bring Senators, Representatives and Clergy with them and recording the visits.

House Bill #2354 is good because of the addition of legislators being given permission by parents or the guardian of the child to see and receive copies of the files from any of the agencies and or police reports. If these people are asking you for help they don't have anything to hide and need your help. The other new laws being written in this bill is the same as House Bill 2300 and they are good as well.

While I have some concerns about parts of the bills I would ask that both be passed by this committee, hopefully passed by the whole House then passed through the whole Senate before this Legislative year is over in a few months. There is much more good here than concerns. I just wanted you to be aware of those I am hearing about. I am certain the concerns I have can be worked out by watching and working with the agencies more closely.

Rumor has it that many children are being removed because of the Federal monies being so attractive to States and that the States are rewarded for taking children from their homes and adopted to strangers. Attached with this statement is what I recently received from the North American Council on Adoptable Children. To me this is a very good reason for SRS workers and the private agencies NOT to follow any of these laws to preserve our greatest resources.....our FAMILIES and CHILDREN!

Without your help in the passage of these bills we cannot go forward with our goal of making every child safe in our State. Kansas was the first to privatize all areas of family preservation foster care and adoption services. Let us be the first in the nation to pass laws that will only help our children and families in times of horrible stress to be able to stay together.

Thank you.

A handwritten signature in cursive script that reads "Judy Mitchell". The signature is written in black ink and is positioned to the right of the typed name.

Judy Mitchell

"A Caring & Sharing Grandparent Is A Friend Who Listens With The Heart!"

MICHAEL LAZZO
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March 12, 2003

To: House of Representatives
From: Michael Lazzo *Mike Lazzo*
Re: Testimony in support of HB 2354 and 2300

Representatives, thank you for allowing me to testify in support of the above bills.

I am an attorney in private practice in Sedgwick County. I have been under contract with the State of Kansas to represent indigent parents in Children In Need of Care cases on a court appointed basis since February, 1999. The proposed House Bills would provide needed reform to the CINC system in the following respects:

- 1. Allowing Legislators access to CINC records (HB 2354: new 38-1507(e); and new 38-1508(f); and requiring SRS to prepare an annual report about family preservation services (HB 2354: new Section 1).**

If only one change could be made to the CINC system, the change that would be most beneficial would be to eliminate the secrecy surrounding the juvenile court process, while still protecting the confidentiality interests of the parties involved. The proposed language which allows legislators access to specific court file and records, and also receipt of an annual report from SRS about the system in general is a good start.

a) It would help eliminate frustrations with the system. Parents are tremendously frustrated by the CINC system. While there are certainly bad parents who exhibit no interest in their child, these cases are not the norm, and are quickly and appropriately handled by the system. The majority of cases involve parents who definitely love and care for their children, but who have lifestyle issue(s) which need to be corrected so they can appropriately parent. These parents are motivated to complete court orders and make the necessary improvements. Many do so and ultimately get their children back. Others do not. But even the people who are able to work through the many court orders and other requirements demanded of them to get their children back, still leave the system with an awful taste in their mouth. Their frustrations range from the length of time the case takes; the minimal visitation they get with their child; the (often) deterioration they see in their child while in the system; to their frustration with phone calls not being returned. The proposed amendment, which would allow legislators to intervene on their behalf if requested, would give these parents a sense of empowerment and confidence that

Hs Federal & State Affairs

Date: 3-13-03

Attachment # 8

Page

they are not in this alone. (The court appointed attorneys serve this role right now, but the additional option of having a legislator able to intervene would be an added benefit.)

b) It would give legislators first hand knowledge of what goes on in the system.

Currently, it seems that most of the information state legislators get about the system is hearsay anecdotal information from participants in the system. This can be anyone – the SRS; judges; district attorneys; parents; guardians; social workers; or parents attorneys. The anecdotes would presumably reflect the reporter's own agenda, whether that be to change the system or preserve the status quo. The proposed amendment would enable legislators to obtain first hand knowledge of individual files. In addition, the proposed new Section 1 of HB 2354 (annual reports from SRS with statistical information) would give legislators an overview of trends within the system. You get the best information on both a macro and micro level.

c) It would protect the system. We all know that SRS and the juvenile court system is for the most part a mystery to the public. Misperceptions, both favorable and unfavorable about the system are common. Anytime you have a system where the agencies enjoy sovereign immunity from civil suits, while their actions and procedures are kept confidential, you create the potential for abuse, and certainly the perception of abuse.

While I have seen activities in the system which I consider abusive to parents, I have also seen several examples of very hardworking social workers going the extra mile to try and make reintegration happen. It is important to the public and to the integrity of the system that both situations can be made known and not kept secret. In this way bad actions can be punished and eliminated and good performance can be publicized and praised.

d) No practical loss of confidentiality. Right now under existing law several categories of persons already have access to juvenile court records. These include the parties; attorneys; CASA representatives; and even school teachers. Certainly one would expect that state legislators can honor the same duties of confidentiality which we expect of these other persons. I note that the proposed bill even includes language imposing potential censure or other punishment on legislators who violate confidentiality. While this extra protection may not be necessary, it certainly furthers the idea that confidentiality will continue to be protected, while now allowing an important group access to information.

NOTE: HB 2300 proposes a change to Section 38-1563(f) which would allow legislators or clergy to accompany parents during visitation with their children, if invited. There could be a value to this, primarily when a parent feels that reports about his or her conduct during visitation are inaccurate. A neutral observer could add some value in that case. In the majority of cases however, it is better if the parents are allowed this time to be exclusive between themselves and their child, without the presence of 3rd parties. (Often even grandparents are limited to less visitation than the parents, so that parents can have exclusive time with the children).

2. New Language regarding removal of children from the home. (HB 2354: new 38-1542(f); new 38-1543(i); new 38-1563(h);) and (HB 2300: new 38-1542(c) and (f); new 38-1543(g) and(i); new 38-1559; new 38-1563(d) (f) (h) (j) and (k) ; New Section 1 and New Section 2).

The removal of children from the home is an area which needs a lot of improvement. You can imagine the emotions of a child being taken from his home by the police or a social worker. The child typically has no contact with his parents for 72 hours (plus weekends and holidays) while in protective custody, and then another 72 hours (plus weekends and holidays) before the temporary custody hearing. This time period can easily be 10 to 12 days before a child has any contact with his parents. Then, after the temporary custody hearing, the child might get an hour of visitation.

The proposed language in the House Bills improves this situation somewhat. Please consider other solutions such as i) requiring that the State allow parents a visit within 24 hours of the initial removal of the child from the home. This could be a heavily monitored visit, with the whole purpose being to allow the parents the chance to simply reassure the child that they love her; that this is not her fault; and that things will be ok. If there are concerns that the parent might act inappropriately or somehow intimidate the child, then these exceptions (the vast minority of cases) can be dealt with differently (by say allowing a tape recorded phone message or video message to the child). Only rarely should there be the 10 day or more separation without any contact that currently exists.

Looking at the proposed language in the House bills, I note the following:

a) Family preservation services language is good, but the exceptions for “physical abuse and physical abandonment” cause concern. HB 2354 proposes changes to 38-1542(f); 39-1543(i) and 38-1563(h). The language is identical and describes when family preservation services need not be utilized before a child is removed. This language is appropriate for the most part, although I think not requiring family preservation services in all cases of “physical abandonment or physical abuse” is dangerous. Certainly there are many cases of abuse where the child needs to be removed immediately. There are also other cases where the “abuse” consists of a well meaning parent spanking a child (often a teenager) in too extreme a manner and the “abandonment” consists of a parent making a mistake by leaving school age children either alone or in the care of their still too young older sibling while they take care of some family matter. There is no question that these situations, which are fairly common, are not appropriate and need to be corrected, but they are also the types of cases where family preservation services can work, with the child remaining in the home. To allow the State to remove those kids without at least trying services is a mistake in those cases.

b) New language directing that parents and relatives be considered first before removal of the child is good as a statement of intent. HB 2300 proposes amendments to 38-1542(c), 38-1543(g), and 38-1563(d). The language is similar and sets a priority for

placements to be looked at, with parents being a first choice and relatives a second choice. This language is very good as a statement of legislative intent. There is still flexibility in the language – as there must be – and even under this new proposed language most kids will still be taken from the home and put in foster care. In other words, even with this language, most kids will still end up in foster care. But as a statement of intent, the language is great.

The reality is that most cases require removal of the children from the home, at least initially. If parents are given some early contact (not the current 10 or more day delay) then the immediate questions and concerns on both the parent and child side can be handled much more appropriately than is the current practice. If a relative is available then it is important that he or she be utilized. A major problem is that the DA and SRS is reluctant to approve relatives until they have done background checks and home studies. These are important, but there are too many cases when 20 year Boeing employees who are obviously appropriate and ready to take their nephews or grandsons have to wait for a worker to check out their home and do a background check that inexplicably can take 3 – 4 weeks or more!

The real problem is not so much the removal of kids early, it's the incredible and inordinate delay in getting them back in the home. When parents have completed court orders, shown recognition of the issues that brought the case before the court and are working hard, it is difficult to understand why the children must continue to remain out of the home (usually for at least 9 to 12 months more) while the process slowly moves forward. Instead of an hour a week visitation, the kids could be home and the family reuniting, while still under the court's jurisdiction and still doing court orders. Given the cost of foster care from a pure economic standpoint it makes sense to get kids home as soon as possible. If one ever considered the social and emotional costs of keeping the kids in foster care longer than necessary, then it becomes a no-brainer.

c) The proposed conference among the relatives to suggest a placement for the child is beneficial. HB 2300 proposes a change to 38-1559 which makes mandatory a conference among the relatives to determine the best placement for the child. This is a great change with potential for tremendous improvement in getting kids placed at home sooner. If the relatives can agree on an appropriate placement, who is willing to take the child, then this option certainly should be exercised. The court still has the ultimate say so over placement, and can "for good cause" override the relatives' decision, so there is a clear safety valve in the statute.

NOTE: I know that Sedgwick County is currently working on a program to try and accomplish the same goals of this proposed legislation, which involves mediation of placement and visitation issues, and which may be another approach to consider.

d) Child support provisions (HB 2300: new 38-1563 (j) and (k); and New Section 1 (daycare vouchers). Each of these proposed changes are necessary and appropriate. Often an otherwise appropriate relative placement rules itself out because of economic concerns. These new provisions would eliminate such a situation as an issue

preventing placement of a child with a relative. There is no economic loss to the State as they would pay the same or more to house the child in foster care, and there is a tremendous social and emotional cost savings by allowing the child to avoid foster care if possible.

e) Parents' information. (HB 2300: New Section 2). This new language would benefit parents and answer many of their questions about why their child was taken and what will happen next. The real issue for parents however is a great need to be able to communicate with their child and at least reassure him that everything will be all right; this was not the child's fault; we very much love you, etc. As I stated before under Section 2 above, a procedure needs to be implemented allowing parents an ability to have quick communication with their children. Under the current system at least 7 to usually 10 or more days can go by with the parents having no information about their child, and no ability to communicate with him. That is one of the biggest problems with the current system, and one that seems to be easily fixable.

3. The proposed change to 38-1502(cc)(2) is not a good idea.

Finally, while these bills are certainly good bills, with very positive and necessary improvements to the CINC system, there is one proposed change which is not a good idea. HB 2300 proposes to amend the definition of "neglect" in 38-1502(cc)(2). The current language ("results" in injury . . .) probably should be changed, as we do not need to wait for an actual injury to occur – allowing a child to be placed in severe danger is concerning even if no injury occurs. But the proposed change to "may result" in injury is far too broad and could conceivably make any sort of conduct "neglect". A better choice might be "has a strong likelihood of resulting in injury" or some similar language.

Conclusion.

Thank you for the opportunity to offer my testimony on these very compelling and necessary bills. I support their language, in particular the language dealing with confidentiality issues, and believe that passage of these bills will greatly improve the current CINC system.

March 12, 2003

To Whom It May Concern,

My name is Pastor Don Burchett. I have been a Pastor for nearly fifty years, in which I have served forty of those years at the same Church in Independence, Ks. My wife and I had three children and raised nine foster children until they were adults. The youngest came to live with us when he was five years old. I know about raising children and have had a great deal of experience working with the SRS myself.

There is a man, whom I have known most of his life and have watched him grow up as well as raise a family of his own. His name is Laverne Darnell. Nearly three years ago he checked himself into a substance abuse program. He had talked with his sister and she had agreed to care for his four boys until he finished the program. While he was receiving treatment, she changed her mind and decided to call the SRS and have them come and take his children, which they did. The children were separated into different homes and Laverne has had no time privately to visit with his children since that time.

Laverne worked very hard with the SRS, attending classes, family counseling and personal counseling. Numerous times he was promised that after this class or this therapy your children would be returned to you. Many times SRS workers used fear and intimidation tactics to try to make Laverne feel inadequate telling him he was a worthless father. After about a year and a half had gone by and no progress seemed to have been made Laverne decided to take his case public, telling his story on television.

On one occasion he was told that he would be taking a pornography test. Laverne was appalled by the thought of such a thing and asked that I go with him. I talked with the administrator and I was assured that there would be no pornography and that this was not that kind of test. I was also told that I would not be allowed to be there with him so I left him there to complete the test. The test was full of pornography and Laverne was disgusted with being forced to view such pictures.

Hs Federal & State Affairs
Date: 3.13.03
Attachment # 9
Page

A couple of months ago our State Representative and I went to a hearing with Laverne but were not allowed to stay with him in the courtroom. He was told that he would never get his children back because he had gone public with his case. There were seven or eight SRS agents there who gave testimony against Laverne. No one was allowed to give any type of testimony for his defense. The judge stated that Laverne was an unfit father and would never get his children back. Within the next few days the court published in the newspaper that the state would be severing Lavern Darnell's parental rights to his children on March 3, 2003, and that his children were going to be put up for adoption. On March 3, 2003, Laverne and I went with several of his close friends to the hearing set by the judge to sever his parental rights. He had been appointed a new judge and a new District Attorney was hearing the case. His attorney stated that no proof had been submitted that would prove that Laverne Darnell was an unfit Father. The hearing has now been postponed for three weeks waiting for closing arguments. It seems now that they are charging him for child support for the time the children have spent in SRS custody. I believe that this man and his children have been literally put through the wringer and it is time for someone to do the right thing and put this family back together again.

A Much Concerned Pastor,

Pastor Don Burchett

A handwritten signature in cursive script that reads "Pastor Don Burchett". The signature is written in black ink and is positioned below the printed name.

Harvest Conference Superintendent

DB/cb

March 12, 2003

To Whom it May Concern:

My name is Pastor Don Burchett. I have been a Pastor for nearly fifty years, serving forty of those years at the same Church in Independence, Ks. My wife and I had three children and raised nine foster children until they were adults. The youngest came to live with us when he was five years old. I know about raising children and have had a great deal of experience working with the SRS myself.

Bobbie Young is a young woman whom I have known for twenty-three years. She had her two sons and a daughter taken away from her by the SRS about six months ago. She called me one day all upset because she was afraid for her life. A man and his girlfriend were staying at her house and refused to leave. The house belongs to me and Bobbie was renting it. She wanted me to come and kick them out. I was out of town and advised her to go to the Cherryvale Police Department and explain what was happening and get their help to remove them from her house. They sent her to the Sheriff's office in Independence. She called me again and told me what she had done. A private detective from the Sheriff's Department called me and asked if I was Pastor Don Burchett and wanted to know if I had told Bobbie that I was going to kick the intruder out. He also asked that I not go and remove them myself and that he was asking for a search warrant to get that man and all of his paraphernalia, which included drugs and a list of names of those he sold drugs to. This man was also a pimp and a forger and made false ID documents and false Social Security cards. They did go there and arrest him and got most of his stuff from the house. They only charged him with driving with an illegal driver's license and released him in five days. During this time, (last of October and first week of November 2002) the SRS came and took her two boys away. About the seventeenth of November her daughter, who was living with her Aunt in Arkansas called Bobbie and asked to come home. Since she was now free of the intruder in her house she felt it safe to bring her daughter home. The next day the SRS came and checked on Bobbie and told her then that they may have to take her daughter also. Bobbie told them that her daughter was not even there during the crisis. When this happened she contacted my Son and his wife and asked if they would consider being guardians for Christiana, Randy and Cindy said yes. Bobbie went to the Lawyers office to arrange the paper work.

The Lawyer said, "SRS can't go to the school and take her with out contacting Bobbie first. So wait until they say she has to go before setting up guardianship with the Burchetts. He did not think this would be an issue because Christiana had not been there during the problems. The second day at school Bobbie made arrangements for her daughter to go to the sitter after school since she was working in Chanute that day. When she did not go to the sitter's house. The sitter called Bobbie at work and told her that her daughter did not make it to her house. Bobbie left work and headed for home to find her daughter not having any idea what had happened. She was crying and driving too fast and got stopped by the Highway Patrol. She was given a ticket but told that it would be dismissed when she proved that her story was true. When she got home she found out that someone in a police uniform had taken her daughter from school. My wife and I decided we had better go check on Bobbie. When we got there I asked her if she was ready to do something. She stood up and, "Yes." I told Bobbie to call 911 and report her daughter missing, which she did. The police chief told her that he would send a policeman to her house to get the whole story. A couple of hours later he came and started getting information about Christiana. The policeman finally said, "I am the one that picked up your daughter." Bobbie asked him for the papers that gave him the right to take her daughter. He said that he did not have any papers to show her. Bobbie told him that if you do not get me the papers giving you the right to take her out of school, I am going to tell everyone that you kidnapped my daughter. He left mad. He came back about 9:30pm and left a paper on the screen door. The paper had no signature and was not a legal document. The next morning Bobbie went to the principal's office at Christiana's school and asked to see the documents that caused him to release Christiana to the policeman. He told her he did not have one. She was upset that Christiana's own mother had to sign a paper for her to get her own daughter from school but Christiana was released to a man that had a policeman's uniform on and no paperwork. Her attorney called the judge trying to get a hearing for Christiana's return but was refused an immediate hearing. This is recorded on cassette tape. It was five working days before Bobbie found out where her daughter had been taken. The document that was placed on her screen door stated that if there was not a hearing within 48 hours that her daughter would be returned to her. It was five days before there was a hearing and she was not returned and still has not been returned to her mother.

A Much Concerned Pastor,

Pastor Don Burchett



Harvest Conference Superintendent

DB/cb

WADE HAMPTON BOWIE, JR.
6003 SW 22nd Park
Topeka, Kansas 66614
(785) 554-5473

Appearing Before Kansas Legislative Committee on HB 2300
March 13, 2003

I commend the members of the legislature for their interest in and willingness to pursue measures and means to address the plight of children and families who, for whatever the reason, become participants in what is often euphemistically referred to as the "system". To the extent you have interest and confidence in my remarks here today and would like to inquire further, I assure you of my willingness to be available to you at your request as my circumstance allows.

By way of DISCLAIMER, I am presently employed as an assistant district attorney in the Third Judicial District (*i.e.*, Shawnee County). However, my appearance here today is not as a representative of the District Attorney's Office but, rather, I appear personally. District Attorney Hecht neither agrees or disagrees with what I will tell you here today. My remarks are my own based on my education, training and experience.

One thing upon which most all can agree is that there are examples of very egregious actions, behavior and misdirected activities and oversights on the part of different participants in various stages of child in need of care cases (or prospective cases) which should not have occurred. With respect to those situations, the critical question is whether the egregious actions, behavior and misdirected activities and oversights is a product of the "system" or, instead, anomalies that happen because of failures or inadequacies of the individuals involved. And, if the anomalies happen because of failures or inadequacies of the individuals involved, does the "system" have means in place that identifies and regularly applies remedial action to correct the failures or inadequacies of the individuals responsible.

With your agreement, I will simply comment briefly giving my reaction to the proposals in each section:

Section 1 – The concept of requiring that indigent families be assisted with daycare when attending to requirements that arise because of their involvement in a child in need of care (CINC) case is a good step. Whether SRS is in the best position to

Hs Federal & State Affairs
Date: 3.13.03
Attachment # 10
Page

Written comments of Wade H. Bowie, Jr.
Regarding HB 2300
March 13, 2003

do that on a case by case basis is beyond my purview of knowledge except to remind you that a large number of CINC cases have no SRS involvement. I could see an administrative and logistical nightmare develop or a situation that only or mostly those cases in which SRS is involved would readily get the benefit.

Section 2 – While what I perceive as an underlying concept of accountability is right on the mark and much of the information is routinely being collected as the situation unfolds, one should not ignore the intense effort that is required to develop the facts in a timely manner so that a complete picture is readily available. Time spent complying with this new provision would be better spent developing and feeding information to the District or County attorney who, as more detail is added to the initially fragmented information, is empowered to release a child back to a parent or other custodian when the evidence does not support keeping the child from the parents or other custodian. It is understandable that parents are frightful and anxious to get all the details yet, the process must be more focused on the immediate protection of the child and collection of the information needed to make a short term assessment of the need to separate the child from the parent or other custodian. We must have confidence in the law enforcement officers who have to make critical decisions on the scene and on the county or district attorney to make cogent judgments based upon the evidence that is submitted.

Section 3 – As I understand the present requirement, this reduces the level of notice presently required to parents. (Attached is a summary of the notice requirements under

Section 4 – The present system is clearly broken. This change will hardly fix the problem.

Section 5 – I agree there needs to be a greater emphasis on maintaining and/or restoring the family unit. Accountability is part of the problem and some means must be developed to have independent assessments of the process.

Section 6 – (cc) I agree generally that some more “stringent” standard needs to be applied. One issue that may be a factor leading to the “too quick to act” tendency is that some have an ethnocentric view of the situation. This may be an education

of the “front line” workers problem that is more easily fixed. As for the “health hazard” restriction, that may be too confining unless the term “health” includes physical, mental and emotional health.

(ee), (ff) & (gg) – Passage of these provisions will have an immediate and expensive impact both in terms of keeping the children in limbo for a longer period of time and financially for the families and the courts. If I were a parent’s attorney, I would advise my client to go to trial in cases that now are done by stipulation.

That said, it comes a no surprise to some of you that the whole system for substantiation/validation of abuse and neglect is broken and needs a complete overhaul. The proposal last year to do it all by jury trial is an over reaction. I believe a good means and system can be developed if thoughtful people get together to address it specifically.

Section 7 – (c) The idea and intent here is good but the language is too constrictive for this particular section (*i.e.*, the emergency *ex parte* provision of the present statute).

(f) This does not seem to be an appropriate consideration for emergency situations.

Section 8 – (g) The idea and intent here is good but the language is too constrictive for many (if not most) of the circumstances during which this section is applicable (*i.e.*, generally, but not always, at the end of a 72 hour period of law enforcement protective custody). As a general statement, the is such limited time available to collect the information that is needed to be able to assure the court that such a placement is appropriate that making it mandatory on the court to resort to relative placements is problematic. Certainly it is the most desirable course of action where the child has a positive relationship with that relative and the relative can be depended upon to keep the child safe but, the issue is whether there will always be sufficient details known upon which the court can make that decision is the greater and the limiting issue.

(i) This does not seem to be an appropriate consideration for emergency situations but is appropriate for situations in which a case is evolving and it becomes apparent that temporary custody with other than a parent is necessary.

Section 9 – (a) & (b) The idea and intent here is great but the language is too constrictive for the circumstances in which it is simply clear from the beginning there is no interest on the part of the relatives or the relatives that might be interested are simply not ones that can be reasonably considered viable options.

Section 10 – (d) This is fine and, I believe, is regularly done by the court but the change in the language presents no problem.

(f) There is good reason for the frustration of parents and relatives that, no doubt, are behind the proposal to include this language. However, with respect to:

- Unattended visitation unless differently ordered by the court – the cure proposed may well create an equally unsatisfactory and negative impact on the child. There needs to be greater flexibility for the persons that are dealing directly with the child on a day to day basis to make well considered decisions about the need for supervision of the visits. Perhaps language that indicates that, unless otherwise ordered by the court, visits shall be unsupervised except for good cause shown.
- Who should be a participant in visits – What should not be forgotten here is that the visiting is for the benefit of the child. It may well be good and proper clergy to attend visits if it is for the purpose of and consistent with the child's life experience. But, it is hard to conceive of the purpose served to the child for most other third parties to be a part of the visitation.
- Recording visits – There should be no objection to make audio or even video recording of visits. Indeed, it may be useful to record case planning conferences and a multitude of other such meetings and conferences.

(h) The language being struck is more consistent with the terminology and findings required in ASFA. If changed to the language proposed, it may be too

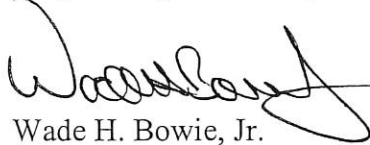
Written comments of Wade H. Bowie, Jr.
Regarding HB 2300
March 13, 2003

constrictive in that "family preservation services" very likely rules out a multitude of equally good and, in many cases, more appropriate type services available.

(j) The legislature should not attempt to usurp the child's entitlement to support nor the parent's duty to provide support. This issue in divorce cases is well settled that neither the parents nor third parties can take away the child's right to support.

(k) I agree with the concept but there are a multitude of issues that must be addressed before this becomes a realistic activity.

Respectfully submitted,



Wade H. Bowie, Jr.

Enclosures:

1. Notice Requirements for CINC Hearings
2. Resume of Wade H. Bowie, Jr.

Parties for CINC Hearings
And Notice/Service Requirements

Temporary Custody Hearing – K.S.A. 38-1543

Notice Not Less Than 24 hours before the hearing by any means including oral notice:
Particulars not given but presumptively, to the same parties as the CINC Petition
and, minimally to the following, as applicable:

- Parents
- Legal custodian or guardian
- Person with whom child is residing

CINC Petition – K.S.A. 38-1533

By SUMMONS (Method of service not specified but presumably whatever is effective):

- To Child by service on the GAL
- Parents
- Legal custodian or guardian
- A person obligated by court order to pay child support
- Person with whom child is residing
- Other person designated by the DA

By regular mail:

- Grandparents with whom the child does NOT reside.

Disposition Hearing – K.S.A. 38-1562

NOTE: No service is required on a party previously in default for failure to appear
Method of service not specifically described but presumably by whatever means will
be effective to:

Each interested party (e.g., child, State, parents, etc.- although grandparents are now
interested by law, there remains in the statute specific notice requirement for them)

By “restricted” mail NLT 10 days prior

All grandparents (at the grandparent’s last known address - if NO GP is living or if
no GP address is known, closest living relative of Parent)

Permanency Hearing – K.S.A. 38-1565

Method of notice not specified only that “court shall notify all ...”

- Interested Parties (legal definition which, as you know, now includes grandparents)
- Foster Parents
- Pre-adoptive Parents
- Relatives who are providing care for the child(ren)

Termination Hearing – K.S.A. 38-1582

By SUMMONS (Method of service not specified but presumably whatever is effective):

To Child by service on the GAL

Parents

Legal custodian or guardian

A person obligated by court order to pay child support

Person with whom child is residing

Other person designated by the DA

By “restricted” mail NLT 10 days prior

All grandparents (at the grandparent’s last known address - if NO GP is living or if no GP address is known, closest living relative of each Parent, as applicable)

Foster Parents

Pre-adoptive Parents

Relatives who are providing care for the child(ren)

*** Whenever a parent upon whom service is required is confined (e.g., prison, hospital, etc.), service shall be by “restricted” mail to both the confined parent and the person in charge of the institution where the parent is located.

*** **K.S.A. 60-103. Restricted mail defined.** The term "restricted mail" as used in this chapter means mail which carries on its face the endorsements "*return receipt requested showing address where delivered*" and "*deliver to addressee only*" and for which the appropriate fees have been paid upon mailing for the processing of mail so endorsed in accordance with the regulations of the postal department, except that mail on which the addressee is not a natural person or persons the endorsement "*deliver to addressee only*" may be omitted.

Service by Publication. Service by publication is also proper where due diligence has failed to locate a parent. See K.S.A. 38-1534.

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Appearing Before Legislative Committee on HB 2300

EDUCATION: Washburn University School of Law JD, December 1998
Auburn University, Auburn, Alabama BA, December 1965

BAR ADMITTANCE: Kansas and the Federal District Courts of Kansas

EXPERIENCE:

- Jan 01 – Present **Assistant District Attorney, Shawnee County Kansas.** Prosecute child in need of care cases in Shawnee County Kansas including responsibility for charging decisions, constructing and overseeing the submission of legal documents, appearing before the courts and before administrative tribunals; case tracking and compliance with statutory reporting requirements. Coordinate directly with law enforcement agencies; social, health, and welfare service providers; school officials; public and private community leaders and judges and court staff to implement the proper and timely initiation and disposition of child in need of care cases in Shawnee County. Perform other responsibilities as assigned by the District Attorney.
- Sep 99 – Jan 01 **Assistant County Attorney, Lyon County Kansas.** Prosecuted juvenile offender and child in need of care cases in Lyon County Kansas including responsibility for charging decisions, constructing and overseeing the submission of legal documents, appearing before the courts and before administrative tribunals; case tracking and compliance with statutory reporting requirements. Coordinated directly with law enforcement agencies; social, health, and welfare service providers; school officials; public and private community leaders and judges and court staff to implement the proper and timely initiation and disposition of all juvenile cases in Lyon County. Oversaw the implementation and administration of immediate intervention and diversion programs for juvenile offenders. Performed other responsibilities as assigned by the County Attorney.
- Jun 98 – Feb 99 **Law Clerk, Office of the Kansas Attorney General.** Provided support to four attorneys in the civil litigation division by conducting research on assigned subjects and preparing memoranda and/or presenting oral synopsis of findings. Assisted the lead attorney in preparing cases for trial and in issue identification and conducting research and developing draft briefs in whole and in part for cases on appeal.
- Jun 97 – Aug 97 **Legal Intern, Department of Defense General Counsel.** Worked independently applying legal knowledge to provide legal advice through the Department of Defense General Counsel to the Office of the Inspector General. Performed legal research and conducted analyses and assessments of legal issues arising out of ongoing Inspector General activities such as investigations and audits of routine matters and matters of special interest or sensitivity.
- Sep 92 – Dec 95 **Special Consultant, Booz•Allen & Hamilton, Inc.** Directed interagency working groups of U.S. senior executives and senior and mid-level managers in developing policy, strategy, plans and programs for efficient and effective peacekeeping and counter-drug operations. Developed and applied materials and programs to support decision-makers in interagency and multi-national activities in peacekeeping and counter-drug operations.
- Jan 90 – Sep 92 **Chief, Army Counterdrug Proponent Office.** Developed and implemented the U.S. Army's overall force modernization effort in doctrine, training, leader development, organizations, and material to support the National Drug Control Strategy. Coordinated initiatives with senior executives within the Department of Defense and other federal or state departments and agencies.

- Jan 87 – Jan 90** **Faculty, U.S. Army Command and General Staff College.** Developed curricula for and taught strategic and operational planning in a multi-agency, multi-national environment. Served as a principal technical advisor on matters of military support to the counter-drug effort and on other military operations in low-intensity conflict.
- Mar 86 – Jan 87** **Executive Officer, U.S. Army Readiness Group.** Assisted the Commander in organizing, managing and directing the Group's one hundred assigned personnel and its material resources to achieve the assigned mission. Planned for and supervised the execution of all administrative, personnel, financial and logistics matters. Directed the day to day administrative operations and developed and administered the Group's personnel manning and budget requirements.
- Sep 83 – Mar 86** **Command Advisor, Major U.S. Army Reserve Command.** Advised the Commanding General of a Military Police Command consisting of twenty-six separate units located in six states on all matters pertaining to the status and programs of the command and its mission including operations, training, personnel, logistics, administration, and budget.
- Jan 80 – Jun 82** **Team Chief, Advisory Assistance Team.** Provided advisory and training assistance in multiple disciplines including medical, chemical, and police functions to sixty-eight U.S. military units. Conducted physical security assessments of military facilities in the geographic area of responsibility. Conducted unit readiness assessments and planned coordinated, budgeted for and supervised the execution of the team's support mission. Served as the team's senior military police advisor.
- Aug 77 – Jan 80** **Officer-in-Charge, SECEUR Security Detachment.** Directed and supervised personal security operations for the Supreme Allied Commander Europe (SACEUR) and other key executives assigned to the Headquarters. Advised officials at international facilities throughout Allied Command Europe on physical and personal security matters. Directed and supervised international and U.S. national criminal investigations for the command.
- Jun 71 – Aug 77** **U.S. Army Military Police School.** Developed curricula and taught the application of military police support to military enlisted and officer personnel. Served as the principal technical advisor and was the lead instructor for courses in dissent and disorder management. Developed and presented civil disturbance control operations instruction to executives and management personnel representing a cross-section of federal and state civilian and military executive offices, agencies and activities.
- Jan 67 – Jun 71** **U.S. Army.** Completed numerous training assignments culminating in completion of Infantry Officer Candidate School and commissioning as a 2LT. Vietnam service as an infantry platoon leader and battalion staff officer with the 101st Airborne Division (Ambl) and subsequently served as a reserve component advisor in northeast Florida.
- Jan 66 - Jan 67** **Classification Officer, Alabama Board of Corrections.** Conducted the institutional classification of assigned prisoners. Tested and evaluated inmates with respect to their institutional custody and rehabilitation and work programs. Participated as a member of disciplinary and other institutional boards.

PROFESSIONAL AFFILIATIONS

American Inns of Court	The Order of Barristers
Kansas Bar Association	Kansas County & District Attorney Assoc.

DETAIL OF RELEVANT EDUCATION

Undergraduate Major In Psychology	48 qtr. hrs.
Emphasis – Psycho-physiological psychology	
Undergraduate Minor In Sociology	25 qtr. hrs.
Emphasis – Deviant Behavior	
Additional Education of Senior or Graduate Level Courses	
Sociology With Emphasis In Deviant Behavior	27 sem. hrs.
Counseling	9 sem. hrs.
Cross-Cultural Communication	6 sem. hrs.
Law – Certificates in Family Law & Mental Health Law	

CHILDREN'S INTERNET FILTERING PROTECTION

CONCERNED WOMEN FOR AMERICA believes that the Supreme Court will uphold the federal Children's Internet Protection Act (CIPA) because:

- **It does not regulate protected speech.** ⁱ
- **It does not require that all illegal speech be blocked in order to comply.** It requires libraries to try to block only those materials library staff consider to be within the scope of tests for obscenity, child porn, and for minors terminals also harmful to minors materials---and only on those terminals for which it accepts Federal e-rate subsidies. ⁱⁱ A civil penalty for a resulting violation will hold library boards and directors accountable.
- **It does not require near perfection in filters.** ⁱⁱⁱ
- **Using filter technology on public library computers results in less than one percent over blocking of protected speech.** ^{iv}
- **It affords librarians the ability to unblock filter technology for patrons doing bona fide research who have been blocked from a legitimate site that is protected speech.** ^v
- **It is a constitutionally valid and necessary measure to protect against publicly subsidized access to illegal materials.** ^{vi}
- **A filtering requirement is reasonable to filter access to the huge amounts of illegal and harmful Internet porn on federally subsidized terminals due to compelling government interest in protecting children and even "consenting adults" from exposure to illegal pornography.** ^{vii}
- **The lower court that ruled against CIPA implied that using filters on all but one would not be a problem constitutionally, and that libraries could require minors to use a filtered terminal unless they have parental consent to use an unfiltered terminal.** ^{viii}

THE HARM

- **Brain research shows how children and adults can be irreversibly harmed by porn images that produce a chemical change in the brain.** ^{ix}
- **The brain only has the ability to experience all events as real. Adults have real life experiences to put an event in perspective. Children do not.** ^x
- **Cybertipline, funded by Congress, has received over 100,000 reports of child sexual exploitation via the Internet between March 1998 and December 2002** ^{xi}
- **Kansas Register for Sexual Offenders, as updated 11/02/02, shows on average 71% of sexual offenses that were committed were committed against children** ^{xii}
- **"A Quantitative & Qualitative Analysis of Suicidal Preadolescent Children & Their Families" reported that 60% of these children had been physically or sexually abused.** ^{xiii}

THE COST

- **Years of expensive counseling for the victim**
- **Lost productivity to the community**
- **Staggering cost of prison plus rehabilitation programs for sexual offenders, many of whom have been victims of sexual abuse themselves**

THE BOTTOM LINE

- **Prevention is cost effective. An ounce of prevention is worth a pound of cure.**

Hs Federal & State Affairs

Date: 3-13-03

Attachment # 11

Page

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- 1 ⁱ In The Supreme Court of the United States, United States of America, ET AL.
Appellants, v. American Library Association, ET AL., Appellees. On Appeal from
~~the United States~~ District Court for the Eastern District of Pennsylvania. Brief of
AMICI CURIAE. National Law Center for Children and Families, Concerned Women
for America, National Coalition for the Protection of Children and Families, and
Citizens for Community Values, in Support of the United States, ET AL., Appellants.
Page two.
- 2 ⁱⁱ Ibid, Page three.
- 3 ⁱⁱⁱ Ibid, Page four.
- 4 ^{iv} Ibid, Page five.
- 5 ^v Ibid, Page seven.
- 6 ^{vi} Ibid, Page four.
- 7 ^{vii} Ibid, Page six.
- 8 ^{viii} "Federal Court Issues Permanent Injunction Against Children's Internet Protection
Act", a paper by Jan LaRue, Chief Counsel for Concerned Women for America
- 9 ^{ix} "Crimes and Consequences" by Dr. Judith Reisman, pg. 175 quotes Dr. Gary
Lynch, neuroscientist
- 10 ^x "Crimes and Consequences" by Dr. Judith Reisman,
- 11 ^{xi} Family News In Focus, a web site of Focus on the Family, January 3, 2003.
"CyberTipline Reaches 100K Reports" by Bob Kellogg, correspondent
- 12 ^{xii} The Kansas Register for Sexual Offenders
- 13 ^{xiii} "Child Psychiatry and Human Development. Vol. 25, Number 4. Summer, 1995.
Page(s) 751-52"