

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:30 a.m. on February 6, 2003 in Room 123-S of the Capitol.

All members were present.

Committee staff present: Mike Heim, Kansas Legislative Research Department
Lisa Montgomery, Office of the Revisor of Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Ken Corbet, owner of Ravenwood Lodge
Senator David Adkins
Candice Shively, Social and Rehabilitation Services
Elisa Breitenbach, American Family Advocacy Center, Kansas City
Gary Brunk, Executive Director of Kansas Action for Children
Teresa Schwab, Kansas Children's Service League
Maureen Mahoney, KVC Behavioral Healthcare (written only)
Rodney Durr, Wichita adoptive parent
Jim Ruble, adoptive parent

Others attending: see attached list

SB 25 - sport shooting ranges; local regulation

Chairman Vratil reopened the hearing on **SB 25** continued from the February 5 meeting. Conferee Corbet testified in opposition of the proposed bill, and said the original bill was satisfactory. Mr. Corbet questioned what constitutes a non-conforming use, and the problems of local government making decisions and on what grounds. (Attachment 1)

There being no other conferees to appear before the Committee, the Chair closed the hearing on **SB 25**.

SB 67 - open records after a child fatality

Chairman Vratil opened the hearing on **SB 67**. Senator Adkins testified in support of the bill he sponsored. He explained that if enacted, the bill would remove the cloud of secrecy that currently prevents public disclosure of information regarding whether the state appropriately met its obligations to a child entrusted to its care when that child dies or nearly dies as a result of abuse and/or neglect. He shared with the Committee the terrible death of nine-year old Brian Edgar and the case history of abuse and neglect. He stated that the Department of Social and Rehabilitation Services (SRS) shares his goal of enacting laws to open the records to public disclosure. He offered three amendments which he drafted in conjunction with SRS for the Committee's consideration, and detailed them in his written testimony. (Attachment 2)

Conferee Candice Shively, representing Janet Schalansky, Secretary of SRS, testified in support of **SB 25**. She explained the federal Child Abuse Prevention and Treatment Act (CAPTA) which requires states to have a process to allow disclosure in cases of child abuse or neglect which resulted in a child fatality or near fatality. She said in Kansas that process is found in K.S.a. 38-1507. She told the Committee about the Child Death Review Board, established in 1992, which examines the circumstances surrounding all child deaths in the state. She added this Board issues a public report to the Legislature every year and provides immediate feedback to SRS, law enforcement, prosecutors, KDHE, coroners, etc. as appropriate. Ms. Shively stated that SRS would recommend using language consistent with CAPTA as "near fatality" has a definition that may not be applicable to "life threatening injuries". She testified that SRS has some concerns relating to openness and disclosure issues. (Attachment 3)

Conferee Breitenbach testified in support of **SB 67**, and urged the Committee to protect children by passing this proposed bill. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on February 6, 2003 in Room 123-S of the Capitol.

Conferee Bunk appeared before the Committee as a proponent in favor of **SB 67**, and representing the Kansas Action for Children. He asked that the bill be redrafted and the amendments presented added to the proposed bill. (Attachment 5)

Conferee Schwab, Advocacy Manager for Kansas Children's Service League, testified in support of **SB 67**. She said that they support the amendment presented by Senator Adkins in today's meeting. She stated that state confidentiality statutes must be done with significant thought and planning, and recommended referring this issue to the Judicial Council for their review. (Attachment 6)

Written testimony in support of **SB 67** was submitted by Maureen Mahoney, General Counsel for KVC Behavioral HealthCare. (Attachment 7)

Following Committee questions and discussion, the Chair closed the hearing on **SB 67**.

SB 56 - establishing putative father registry and prescribing certain requirements relating to notification of termination of parental rights

The Chair opened the hearing on **SB 56**. Conferee Durr testified as an adoptive parent in support of **SB 56**. He stated he supported the new Section 4(a) on lines 33 through 35 on page one, and explained why he supported that change. He gave several suggestions for improving the adoption process in Kansas. (Attachment 8)

Conferee Ruble testified as an adoptive parent in support of **SB 56**, and submitted his written testimony that was given during an Interim Judiciary Committee meeting on October 25, 2002. He said he had testified on this subject two other times, and wanted to show his continued support for this legislation. (Attachment 9)

Chairman Vratil announced that the Committee would meet upon adjournment of the Senate on Friday, February 7, to work the backlog of bills.

The meeting adjourned at 10:32 a.m. The next scheduled meeting is upon adjournment of the Senate on February 7, 2003.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Feb. 6, 2003

NAME	REPRESENTING
Michael White	Kearney = Assoc.
Sandy Jaquet	LHM
Fariba Pouraryan	SOS
Melissa Wangemann	Sec. of state
Debi Hatfield	KDHE
Dr. Weese	SRS
Marilyn Jacobs	SRS
Landy Harvey	SRS
Ken Corbett	KANSAS Sport Hunting Assn.
Rodney Durr	
Jim & Donna Ruble	
Gary Runk	Kansas Action for Children
Cindy D'Ercole	Kansas Action for Children
Terri Roberts	Kansas State Nurses Assn.
Christina Collins	Kansas Medical Society
Trista Curzydlo	KS Bar Assn.
Lisa Breitenbach	The American Family Association
Tommy Humphrey	KTLA
GOTY SCHNEIDER	KDAC

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Feb. 6, 2003

NAME	REPRESENTING
Mark Gleeson	Judicial Branch
Lynara South	JA
Maryanne Helberst	Kansas Smolleters Kids Initiative
Pat Damron	Altria Group, Inc.
Frank Barnhart	KNASW
melissa murfin	intern for Rep. Pottorff
Tom Dougherty	Sen. Umbarger
Adam Casper	SEN. ADKINS
Matthew Polisky	Sen. Adkins
Allan Hoggett	Kansas Adoption Professionals
Blake Lewis	Sen. Schmidt
Mike Heid	Hein Law Firm
Sarah Sargent	KCSL
Ramona Darkson	KCSL
Teresa Schwab	KCSL
Tommy Hough	KTLA



RAVENWOOD

K.L. Corbet
10351 S.W. 61st
Topeka, Kansas 66604

January 30, 2003

Senate Committee on Judiciary
Chairman Senator Vratil
SB 25

My name is Ken Corbet. I am here as President of the Kansas Sporting Hunting Association and Owner of Ravenwood Lodge.

The Kansas Sport Hunting Association has approximately 200 members. Members provide hunting, fishing and shooting opportunities, and are pheasant and quail producers covering all areas of Kansas.

Ravenwood Lodge is located in southwest Shawnee County and we are in our 18th year of operation. I, like many of our members have years of both time and money invested in our operation. Some of those members, I'm sure, would like to pass their business operations to the next generation. Senate Bill 25 could eliminate this.

As this bill reads to me, this Resolution provides for the gradual elimination of Sport Shooting Ranges which constitute non-conforming uses. The questions that bother me are:

1. What constitutes a non-conforming use?
2. You do not need to change the original Bill to eliminate unsafe sport shooting ranges.
3. Who is the local unit of government that would make this decision and on what grounds?
4. This Senate Bill 25 has similar language that was used in Germany in the early 30's. Big catastrophes in history only happen after we let lots of little ones happen. From airports to feedlots. Where will it stop?

Will local units of government eliminate development on projects, just because he or she doesn't like it? Remember, WE are the government, both me, Ken Corbet and you. How many other so called non-conforming businesses will be on your local governments list next year?

Respectfully,

Ken L. Corbet
785 256-6444

Senate Judiciary

02-06-03

Attachment 1-1

Testimony in Support of Senate Bill 67
“The Brian Edgar Child Protection Enhancement Act”
By Senator David Adkins
Before the Senate Judiciary Committee
Thursday, February 6, 2003

Mr. Chairman and members of the committee:

Thank you for this opportunity to appear before you and urge your favorable consideration of Senate Bill 67. This bill, if enacted, would remove the cloud of secrecy that currently prevents public disclosure of information regarding whether the state appropriately met its obligations to a child entrusted to its care when that child dies or nearly dies as a result of abuse and or neglect.

As a father and a citizen I have an obligation to do whatever I can to make sure that children in my community have a healthy start in life. As a legislator I have a responsibility to advocate for the enactment of public policy that creates the greatest possible opportunities for our children and to work to enact laws that hold those who rob our children of their futures strictly accountable for their actions. I believe Senate Bill 67 fills a significant hole in our child protection laws and will greatly enhance the accountability of state agencies, contractors and personnel.

Before being adopted, Brian Edgar, lived for 10 months in a Kansas City, Kansas foster home. The nine year old boy loved to talk on a toy telephone to imaginary friends and play with the dogs. Brian lived at a foster home run by Sister Peg Driscoll and Sister Anna Mary Lawrence, members of the Sisters of Charity of Leavenworth. For eleven years they have provided a home to 14 foster children. Brian came to live on the sisters' 36 acre property in western Kansas City, KS after leaving another foster home in September of 1999. Brian was adopted by Neil and Christy Edgar in June 2000.

On December 29th of last year, Brian watched a Mickey Mouse video with his family before his adoptive parents stuffed a sock in his little mouth which they then sealed with duct tape. He small body was then bound with a belt around his chest and arms and he was put to bed. Early on the morning of December 30th Brian Edgar's lifeless body was taken to the KU Med Center where it was determined he had died of suffocation. He had gagged on the sock and choked to death on his own vomit.

Brian's adoptive parents and his nineteen-year-old babysitter have now been charged with murder. Brian's parents have also been charged with abusing their 16 and 12 year old sons and 9 year old daughter. The Edgars adopted all four. Brian's siblings, a nine-year-old girl and a twelve-year-old boy, told authorities that their parents and babysitter routinely bound them before bed and put Neosporin on the marks each morning to minimize scarring. The surviving children are in protective custody.

Senate Judiciary

02-06-03

Attachment 2-1

On the day that Brian's body was taken to the hospital his mother awakened the Edgar's two youngest children early and directed them to clean the house. They picked up tape and socks after being told their brother was not breathing. The evidence they collected was later destroyed.

In addition to Brian's mother and babysitter, five women who were members of Brian's church, including two of his aunts, have been charged with abusing four children, including Brian and two of his siblings and a 12 year old boy who was a friend of the children. The State of Kansas decided to place Brian in this living hell. The circumstances of his death haunt many of us.

Why did this boy suffer so? Could his death, his torture, have been prevented? What can we learn from his tragic death to prevent any such deaths in the future? How can we better hold our child protection agencies, contractors and personnel accountable for the precious lives entrusted to their care and whose futures are determined by their decisions? These are questions worth asking in the wake of Brian Edgar's death and they are questions which deserve answers.

After any disaster it is appropriate to ask the question—what went wrong and how can we prevent it for happening again? We owe it to Brian Edgar and the other children entrusted to the care of the state, indeed, we owe it to every Kansan, to answer that question.

Unfortunately, under current Kansas law, the records and reports in the possession of our state's social service agency concerning Brian's case are no subject to public disclosure.

I am pleased that the Department of Social and Rehabilitation Services shares my goal of enacting laws to open these records to public disclosure. They know that disclosure of records in cases of a child fatality or near fatality would also allow the agency to more appropriately justify the difficult decisions of their staff and hopefully allow more Kansans to fully understand the challenges that face our child protection agencies.

After constructive consultations with Marilyn Jacobson, Deputy Secretary of SRS, I am hopeful the basis for an agreement exists to allow this legislation to move forward without opposition.

In light of my discussions with SRS I am suggesting the following amendments to the bill during mark up by the Judiciary committee:

1. Whenever "life threatening injury" and "death" is referred to in the bill, the words "near fatality" or "fatality" should be substituted. These words are the exceptions to non-disclosure allowed under federal law and they are defined in federal law. "Near fatality", as defined in federal statutes, means "an act, that, as certified by a physician, places the child in serious or critical condition." If allowed under federal law, I would press for broader disclosure to include disclosure of records whenever felony child abuse charges are filed but I have been assured that such a bill would put at risk over \$40 million in federal funds.

2. To avoid a circumstance when disclosure could interfere with an ongoing criminal investigation the bill should be amended to add a provision to clarify specifically when the disclosure must be made. This bill should be amended to state that SRS shall make a case

finding on a report of child abuse or neglect involving the fatality or near fatality of a child within 20 working days unless a delay is requested by law enforcement, a prosecutor or ordered by a court. The disclosures required under this bill would be made upon a case finding of abuse or neglect which contributed to a child fatality or near fatality. The finding would specifically address the question, "would a reasonable person, weighing the facts and circumstances, conclude that more likely than not abuse or neglect contributed to the fatality or near fatality of a child?"

3. A provision should be added to the bill allowing SRS to initiate a court proceeding to obtain a court order preventing disclosure of such limited portions of the records and reports that relate to collateral individuals, the disclosure of which serves no public interest or is otherwise prohibited by law.

With these amendments I believe I have reasonably addressed concerns raised by SRS, and, with their inclusion in this bill I believe we have crafted legislation in harmony with current federal child protection laws.

We can never know what it is Brian Edgar might have grown up to be. The circumstances of his death defy my comprehension. Brian Edgar was a son of Kansas. His memory deserves to be honored. I refuse to accept that we cannot learn something valuable from how his case was handled that might prevent a future tragedy. I am reassured that SRS does not oppose this legislation. I am hopeful Brian's tragic death will prompt us to enact this bill thereby throwing back the cloak of secrecy and shining the light of day on records which should, under the circumstances, be available for the closest public scrutiny.

I urge your favorable consideration of SB 67 with the amendments suggested.

Thank you.

Respectfully,



David Adkins

Attachments:

Photograph of nine-year-old Brian Edgar

Editorial from Kansas City Star, 2/2/03 "Kansas Should Open Records on Children"

Editorial from Salina Journal, 2/1/03 "Spotlight Can Protect Children"

Kansas City Star Column by Barbara Shelly, 1/04/03 "No Place for Secrets in This Case"

Kansas City Star Article by Grace Hobson, 1/05/03 "Edgar Case Raises Questions About Kansas Adoption System"



KansasCity.com

Posted on Sun, Feb. 02, 2003

Kansas should open records on children

Of the many questions about the asphyxiation death of 9-year-old Brian Edgar, one of the most troubling is how he was adopted by parents now charged with his murder.

How did a foster child, a ward of the state, end up with his siblings in a home where prosecutors say they were routinely bound and gagged? What checks of the family were made before Neil and Christy Edgar adopted Brian?

The public has a right to know if state workers didn't do their jobs and if that contributed to a child's death. But in Kansas, information relating to the state's efforts to protect children in its care is kept from public scrutiny. Even when a child dies.

Lawmakers should pass Sen. David Adkins' bill to open up state placement records when a child dies or suffers a "life threatening injury."

Open records would ensure that mistakes are punished and fixed, helping to avoid tragedies in the future. State workers also would have a defense from public accusations if they followed proper procedures in placing children in foster or adoptive homes.

Legislators could improve Adkins' bill by allowing for disclosure in more instances. One idea is for records to be made public any time a child suffers abuse that requires medical attention or whenever felony child abuse charges are filed. But even as is, Adkins' legislation is better than the Missouri law on which it is based.

Following the deaths of 8-year-old Gary and Larry Bass of Kansas City at the hands of their mother, Missouri lawmakers three years ago opened up records for cases in which an abused child dies or suffers critical injuries.

But a loophole gives the Missouri Social Services Department discretion to withhold the records. That is not in the public's interest.

Under Adkins' bill, Kansas would have no choice but to release the records.

Kansas lawmakers should approve Senate Bill 67 quickly, before another heinous case leaves a child harmed or dead and the public in the dark.

Posted at 9:33 AM on Saturday, February 1, 2003

Spotlight can protect children

By **TOM BELL**

The Salina Journal

THE ISSUE

State foster care

THE ARGUMENT

Records must be open to investigators

Police say 9-year-old Brian Edgar suffered horribly at the hands of his adopted parents. Investigators say Neil and Christy Edgar, pastors at a Kansas City, Kan., church, suffocated the boy when they bound and gagged him before putting him to bed. Brian's baby sitter and five other church members also face child abuse charges in Wyandotte County.

Child abuse is a particularly horrid crime, and when it leads to death it represents a failure of our social system. That is especially true in this case, because Brian was in the state's foster care system before the Edgars adopted him.

What went wrong? How could a state system designed to protect our children actually allow a child to fall into the hands of abusers?

Is it incompetence? Systemic problems? The result of a horrible mistake?

We may never know. Records of children in state care are locked down so tight they cannot be seen by the public or by investigative agencies. Only a court can order them opened.

Such secrecy is defensible in many cases. Privacy is important to protect children and their families.

But such secrecy is inexcusable when it prevents state officials from answering questions when their actions might have contributed to a child's injuries or death.

Brian's case prompted Sen. David Adkins to try changing this shortcoming in state law. The Leawood Republican has introduced a bill that would allow records unsealed when a child in state care is killed or suffers life-threatening injuries.

Such a move makes sense. Greater access to these records allows investigators and other public officials to determine whether our system slipped or if it functioned properly. In some cases, access might exonerate state officials wrongly accused of failing to protect our children.

Let's shine more light on our foster care system, starting with the passage of Adkins' bill.

KansasCity.com

Posted on Sat, Jan. 04, 2003

No place for secrets in this case

By BARBARA SHELLY
Columnist

Once again a child here has died a gruesome death.

Try to imagine a 9-year-old boy bound and gagged, perhaps with a sock stuffed in his mouth. Think of that child choking on his vomit and fear. According to the Wyandotte County coroner, those were Brian Edgar's final moments.

Blame may or may not extend beyond the adults present when he died. His adoptive parents, Neil and Christy Edgar, have been charged with the murder of Brian, and with abusing their three other adopted children. A 19-year-old woman, who authorities said might have been a baby sitter, also is charged with Brian's murder.

Nick Tomasic, Wyandotte County district attorney, has said the Edgar children frequently were bound and gagged before bedtime. Disagree though we may on appropriate forms of discipline, most people would call that child abuse. It was tragic treatment for the four children, all of whom had been adopted out of foster care.

But who knew, or who should have known, what was going on in the home of Neil and Christy Edgar, both pastors of a Pentecostal church called God's Creation?

This is where we run out of answers.

Kansas officials, citing state law, will not release Brian's history, or details of his adoption in 2000.

The law needs to be changed. Its rationale -- to protect a child's privacy -- defies logic. This child is dead. Who is being protected and how are the interests of other children being served?

Richard Wexler, executive director of the National Coalition for Child Protection Reform, summarized the situation:

"Why was Brian in foster care in the first place? It's a secret. How long was he in foster care? It's a secret. Most important: Were there any previous complaints against the Edgars? It's a secret. Without that kind of information, how can anyone know if this was a tragedy no one could have foreseen or a tragedy anyone could have foreseen?"

The Edgar family itself was full of secrets. They used an address for a small house in Wyandotte County, yet police on Friday searched a \$350,000 Johnson County home, which they said the Edgars had been renting. Neighbors at both locations said they rarely saw the children. A brother of Neil Edgar said he didn't know the couple had adopted Brian. The four children didn't go to school outside of the home.

Without access to records, it is impossible to know what warning signals, if any, were present before the adoptions of the four children were finalized. The state prohibits corporal punishment and discourages

homeschooling for children in its custody, said Roberta Sue McKenna, assistant director of the department that oversees child protection services. Adoptions would be unlikely to be finalized if prospective parents insisted on those practices, she said.

But there are people who can con even the keenest social worker. Mary Bass, another parent who kept her abused children out of school and out of sight, deceived Missouri child welfare workers for years before she starved two of her sons to death.

To the world, Neil and Christy Edgar were an upstanding couple. Leaders and members of their church have rallied to their defense. The accusations, some supporters insist, are a lie.

But a child in the Edgar's care died in a hideous way. That is the truth, which no deceptions, secrets or sealed files can erase.

To leave a comment for Barbara Shelly, call **(816) 234-4800** and enter **4594**, or send e-mail to bshelly@kcstar.com.

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KansasCity.com

Posted on Sun, Jan. 05, 2003

Edgar case raises questions about Kansas adoption system

By GRACE HOBSON
The Kansas City Star

The Kansas officials who gave a boy named Brian to Neil and Christy Edgar for adoption in 2000 had policies to make sure his new parents would provide a loving home.

But whether any of the state's policies were followed has not been disclosed. Kansas law, unlike Missouri's, shields such case files from public view -- even after a child has died.

Nine-year-old Brian Edgar's death has left some people frustrated that a public accounting of the case is not forthcoming, and it has raised questions about Kansas' transition to a privatized foster care and adoption system.

"I don't know whose confidentiality they are protecting," said Deann Lovell, former president of Foster Children of Johnson County. "The child is dead. ...All they're doing is protecting themselves. We as the taxpayers have the right to know who's not doing their job."

Kansas officials said they, too, were frustrated by the state's public information blackout. The state will hold staffers accountable for any lapses -- if there were any -- in the case, said Roberta Sue McKenna, Kansas' assistant director for foster care and adoption.

"I want the next child we take into custody to benefit from the pain this little boy experienced," said McKenna, the state's top adoption official. "I'm absolutely and totally committed to that."

Last week Neil and Christy Edgar and an acquaintance, Chasity L. Boyd, were charged with first-degree murder in Brian's death. Prosecutors said the boy suffocated after he was gagged and his mouth was taped shut.

McKenna said she and other officials at the state's Department of Social and Rehabilitation Services would review its records of Brian's adoption.

The records should show whether the state's policies were followed. They call for social workers to study the prospective adoptive home and visit the family monthly once a child has been placed there; for investigators to check the parents' backgrounds; and for social workers to scrutinize the parents' attitudes about discipline and child-rearing in training classes.

Even critics of Kansas' privatized child-welfare system say Brian's case is a rare exception and agree that most children who are placed in foster care or adopted through the state are safe.

One percent or less of foster children are found to be abused when in state care, according to reports from state monitors.

Two or three suspicious deaths have occurred in Kansas' foster care system in the past 10 years, but no charges have been filed, McKenna said. Among children who have been adopted from the state's foster

care system, Brian is the second to die in at least 10 years. The previous case occurred in 1995 in Wichita.

McKenna, however, cautioned that no system was fail-safe. Social workers make critical decisions about vulnerable children every day, under pressure to work fast so that a child does not linger in a troubled home or miss an opportunity to get adopted.

"There are no crystal balls," McKenna said.

The Kansas Child Death Review Board, which examines the death of every child younger than 18 in the state, will conduct an in-depth review of the Edgar case. The board, led by a representative of the Kansas attorney general's office, comprises a pediatrician, state officials, child advocates, an investigator, a prosecutor, an educator, a forensic pathologist and a coroner.

The board's annual report, which will be released late this year, will offer recommendations stemming from any problems found in the Edgar case. As required by Kansas confidentiality laws, the board will not specifically mention Brian or refer to his case by name, McKenna said.

McKenna said she could not talk about the Edgar case specifically, because under Kansas law foster care and adoption records were closed.

She said, however, the state infrequently allowed those who strongly believed in corporal punishment to adopt a child.

Also, had social workers known that the Edgars planned to homeschool Brian, that would have raised another flag. An adoption by homeschooling parents would not have been allowed unless a top official approved it, McKenna said. State officials want foster and adoptive children to have regular contact with adults outside their families, she said.

"It would have been a big deal," McKenna said of the Edgars' decision to homeschool Brian.

The state has had more layers of oversight on cases since private agencies began overseeing adoption in 1996, McKenna said. Now, the contractors' social workers and state social workers are involved in the cases, she said.

McKenna acknowledges that the public does not know what social workers did or did not do for Brian Edgar, because the law keeps that information closed to the public. Police and prosecutors will have access to the records, and it is possible that details will come out in court, she said.

McKenna said she would like to see the law changed to allow her to talk about such cases.

"I recommend more openness," she said. "How we design that, I don't know. Certainly a child death as a trigger point (to open records) makes sense to me."

Some Kansas lawmakers are talking about making changes, as well.

Sen. David Adkins, a Leawood Republican, said that he was outraged by the Edgar case and that state law should be changed so records could be viewed in such cases.

"It is a visceral, gut-wrenching situation," he said.

First, he said, the effect of federal laws on such a proposed change in Kansas law should be examined.

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"We owe it to every child who is on a waiting list to be adopted to make certain we are not turning innocent children over to lives lived in hell," Adkins said.

"State bureaucrats can put on their game face and hide behind the cloak of secrecy, but that doesn't get us the answers we need to address the problems of the future."

Current law, he said, does not allow officials to demonstrate "they did everything humanly possible to prevent this kind of tragedy. If that's the case, the people involved in these cases should have the ability to be exonerated."

Another senator from Johnson County, Republican Karin Brownlee of Olathe, said she was unaware that records in such unique situations were not open.

"Maybe that's something we need to look at this session to see if it would warrant having them opened in very rare situations," Brownlee said.

"This is one of those situations where we need to be sure the proper individuals are held accountable for the way they did their jobs," she added. "I think typically Kansas adoption laws are thought to be quite good when it comes to making adoption available, but this is a very unusual situation."

Rep. Sue Storm, an Overland Park Democrat, took a more cautious approach.

"Certainly we don't want to protect SRS (Social and Rehabilitation Services Department) or the adoption agency, but at the same time when the whole situation is unfolding, I don't think, based on that, that the law should be changed."

Storm said more information was needed.

Tumultuous times

The road to Kansas' privatized foster and adoption system has been rocky -- and Brian's adoption was made final at an especially troubled time.

Kansas in 1996 awarded Wichita-based Lutheran Social Services the first statewide contract for adoption, requiring it to find permanent families for the state's foster children for whom it was no longer safe to return home.

Lutheran soon ran into financial troubles, as the number of foster children awaiting adoption and the costs to care for them soared.

By the summer of 2000, Lutheran was threatening bankruptcy. The state had to bail it out with a \$9 million payment, and even then, Lutheran paid its contractors only 74 cents on the dollar owed.

When the adoption contract came up for renewal, the state awarded the work to the Kansas Children's Service League.

Just a month before, in June 2000, Lutheran made final Neil and Christy Edgar's adoption of Brian.

"We all know now that was in the midst of tremendous turmoil," said Susan Lambiase, associate director of Children's Rights, a New York-based child-advocacy group that sued the Kansas child-protection system in 1989 and monitored its child-welfare system until this summer.

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"One has to question whether they dropped the ball," Lambiase said.

Lutheran closed its doors in the fall and is liquidating its assets to pay its bills.

McKenna said Lutheran provided excellent services despite its financial problems.

Marc Bloomingdale, Lutheran's acting chief executive officer, said the agency had thorough policies and reviews in place to make sure adoptions were handled properly. Supervisors met weekly with social workers, and a quality-assurance team reviewed case files randomly to make sure policies were followed.

Lutheran's caseloads were low -- 20 children to every social worker. The state's caseloads could be as high as 60 children to every social worker before the system was privatized, McKenna said.

Tina Long, spokeswoman for the Kansas Children's Service League, the contractor responsible for getting 1,646 Kansas children adopted, said the league would work with the state if it turned out that mistakes were made when Brian was adopted.

"We're going to review everything that we can get our hands on and look at what happened in this case and learn from it," Long said.

McKenna and Lambiase said states were beginning to open records to provide for more accountability.

"If we were not able to find out what happened in this instance, whether the children were seen before the adoption was finalized, whether there was a proper investigation, then we don't know if the agency is doing a service to the children it's supposed to protect," Lambiase said.

She added, however, that cases like Brian's sometimes pushed lawmakers to open records.

Since a Missouri law changed in 2000, Missouri's social services director has been allowed to open Division of Family Services records to the public in abuse cases in which a child died or nearly died.

A Missouri child fatality task force recommended the change in 1999, the year that 8-year-old Larry and Gary Bass died from burns and starvation in Kansas City.

Missouri lawmakers outraged over the Bass boys' deaths endorsed the change as part of comprehensive child-protection legislation that also stiffened penalties for people found guilty of child abuse.

"I think we really saw it (the bill) as a way to strengthen the whole system and to allow us to share information as it became available," said Denise Cross, the director of Division of Family Services.

Kansas officials hope a better system for children comes from Brian Edgar's tragic death.

"I owe it to this little boy," McKenna said.

The Star's John L. Petterson and Donna McGuire contributed to this report.

To reach Grace Hobson, call **(816) 234-7744** or send e-mail to ghobson@kcstar.com.

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Kansas Department of

Social and Rehabilitation Services

Janet Schalansky, Secretary

Senate Judiciary

February 6, 2003

SB 67 - Open records in the event of a child fatality

Integrated Service Delivery
Janet Schalansky, Secretary

For additional information contact:
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www.srskansas.org Kansas Department of Social and Rehabilitation

Senate Judiciary

02-06-03

Attachment 3-1

Services
Janet Schalansky, Secretary

Senate Judiciary
February 6, 2003

SB 67 - Open Records in the event of a child fatality

Senator Vratil and members of the Committee, I am Janet Schalansky, Secretary of Social and Rehabilitation Services.

The federal Child Abuse Prevention and Treatment Act (CAPTA) at 42 USC 5106a(b)(A)(vi) was amended in 1996 to require states to have a process which allowed disclosure in cases of child abuse or neglect which resulted in a child fatality or near fatality. In Kansas that process is found in K.S.A. 38-1507. In 1997 subsection (h) was added to provide, "Nothing in this section shall be interpreted to prohibit a court of competent jurisdiction from making an order disclosing the findings or information pursuant to a report of alleged or suspected child abuse or neglect which has resulted in a child fatality or near fatality if the court determines such disclosure is necessary to a legitimate state purpose. In making such order the court shall give due consideration to the privacy of the child, if living, or the child's siblings, parents or guardians."

An in depth review of every child death is critically important if we are to learn what we need to know to prevent all preventable deaths. We have an absolute duty to safeguard the lives and health of all Kansas children. In 1992 this body established the Child Death Review Board (K.S.A. 22a-241 et seq.) This multi-agency, multi-disciplinary board meets monthly under the auspices of the Attorney General to examine the circumstances surrounding the deaths of Kansas children. Members bring a wide variety of experience and perspectives on children's health, safety and maltreatment to bear on their goals of identifying patterns and risk factors, improve data and communication on the issue of child deaths and develop prevention strategies. The Board issues a public report to the legislature every year and provides immediate feedback to SRS, law enforcement, prosecutors, KDHE, coroners, etc as appropriate to improve services or safeguard living children. The Board does not release information which would identify individuals and is not immediately involved in death scene investigations.

Should you choose to proceed with this bill, I would recommend using language consistent with CAPTA as "near fatality" has a definition that may not be applicable to "life threatening injuries." It would be desirable to clarify whether "as

a result of child abuse or neglect" means alleged, suspected, as determined by agency finding, adjudicated or criminally convicted.

Additionally, I would ask that you consider exceptions when disclosure might:

- jeopardize an ongoing criminal investigation or prosecution; or
- either harm or invade the privacy of the child, if living, or the child's siblings, parents or guardians, or other individuals unrelated to the child's fatality or near fatality.

SRS is not opposed to more openness and it is not the privacy of SRS that is at stake. The impact of this bill on the privacy of the child and family must be considered. We can not protect children in isolation but are dependent upon the support of the communities we serve. Openness will enhance understanding of the challenges and complexities of child protection, foster care and adoption. We also believe that openness tends to increase efficiency and accountability for all branches of government. The challenge is to carefully balance openness with the privacy of those individuals involved in a child welfare case.

Thank you and I will stand for questions.

SB67



Senate Judiciary

02-06-03

Attachment 4-1

Feb 6, 2003

Dear Mr Chairman and Members of the Judiciary Committee

The reason Kansas needs this bill to go forth and become law goes beyond words. When a child is abused and killed in states custody like little Brian Clark - Edgar was on Dec. 29th this year. The state of Kansas has always just Buried the childs records with the child. No one should ever get by with MURDER with out the records open. You must understand how these are Unacceptable Losses! We must learn how to protect children. I have become part of the American Family Advocacy Center. They are the ones who added the needed changes to better protect all children from cover ups.

With High Hopes For Kansas Children

Lisa Marie Breitenbach

P.S. Many Many Thanks Go To Sen. Adkins for his outstanding work on Sen Bill 67

Open Kansas records in cases of child abuse

KC STAR Feb 1003

Of the many questions about the asphyxiation death of 9-year-old Brian Edgar, one of the most troubling is how he was adopted by parents now charged with his murder.

How did a foster child, a ward of the state, end up with his siblings in a home where prosecutors say they were routinely bound and gagged? What checks of the family were made before Neil and Christy Edgar adopted Brian?

The public has a right to know if state workers didn't do their jobs and if that contributed to a child's death. But in Kansas, information relating to the state's efforts to protect children is kept from public scrutiny. Even when a child dies.

Lawmakers should pass Sen. David Adkins' bill to open up state placement records when a child dies or suffers a "life threatening injury."

Open records would ensure that mistakes are punished and fixed, helping to avoid tragedies in the future. State workers also would have a defense from public accusations if they followed proper procedures

in placing children in foster or adoptive homes.

Legislators could improve Adkins' bill by allowing for disclosure in more instances. One idea is for records to be made public any time

a child suffers abuse that requires medical attention or whenever felony child abuse charges are filed. But even as is, Adkins' legislation is better than the Missouri law on which it is based.

Following the deaths of 8-year-old Gary and Larry Bass of Kansas City at the hands of their mother, Missouri lawmakers three years ago opened up records for cases in which an abused child dies or suffers critical injuries.

But a loophole gives the Missouri Social Services Department discretion to withhold the records. That is not in the public's interest.

Under Adkins' bill, Kansas would have no choice but to release the records.

Kansas lawmakers should approve Senate Bill 67 quickly, before another heinous case leaves a child harmed or dead and the public in the dark.





MIKE HENDRICKS

Abuse leaves questions, few answers

We're short too many answers in the murder of Brian Edgar, the fun-loving 9-year-old whose abused and lifeless body was delivered to a hospital emergency room last week.

Still, I'll add one more question to the list.

Who in Topeka will stand up for Brian and other adopted children once the legislative session begins?

Which elected official will see to it that Kansas adoption laws are rewritten, ensuring there are no more secrets when adopted children like Brian wind up in the morgue?

There's simply no excuse for keeping confidential the adoption records of murdered children.

Whom does it protect? All secrecy has done in this case is to create doubt and suspicion.

Was there some systemic breakdown in placing Brian with a proper family? What were his adoptive parents' views on disciplining children? Who knows?

Even the bureaucrat who oversees the adoption and foster care system regrets that she cannot provide information. The facts of Brian's adoption, Roberta Sue McKenna acknowledges, could shed light on whether this youngster was properly represented when he was taken on by a new family about three years ago.

Brian's parents and a baby sitter are now charged in his murder.

"Certainly a child death as a trigger point (to open records) makes sense to me," McKenna was quoted Sunday in *The Star*.

But it requires more than outrage and common sense to change a law. Legislative action is needed.

The Kansas Legislature faces lots of challenges in the months ahead. Not the least of them is balancing a budget that's a billion dollars out of whack.

The session that starts next week will be one of the busiest and most important Kansas has seen in generations. Issues without fiscal consequences almost certainly will get less attention than they might in other years.

True, the Brian Edgar story is front and center now. Today many of us are frustrated. Today we can't get answers to questions such as: Did the state's adoption apparatus do what it could to ensure Brian's adoption three years ago met every standard? Did the social workers adequately check the backgrounds of the adoptive parents? Was there sufficient follow-up?

But it won't be today but many tomorrows from now before Kansas lawmakers can act.

Tomorrow, you never know. Memories fade. Stuff happens. New issues arise.

If a bill to change the law is written, it could end up the way a lot of other good ideas end up in a busy state legislature. It could languish in committee. Or be killed on the House or Senate floor because of some unpalatable amendment.

Then we wouldn't hear about the issue again until the next Brian Edgar comes to the emergency room without a pulse.

That's why this proposal deserves a champion, especially someone who has the bully pulpit.

There are two that come to mind: Gov.-elect Kathleen Sebelius and Phill Kline, the incoming attorney general.

Perhaps even two political opposites — Sebelius, a Democrat, and Kline, a conservative Republican — could work together on this as a show of political unity.

But politics aside, there was an implied promise to Brian Edgar when the state approved his adoption.

To have a chance to grow up.

If the records are opened, maybe we'll have a clue as to why that didn't happen.

To reach Mike Hendricks, call (816) 234-7708 or send e-mail to

SECTION

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METROPC

www.kansascity.com

COMMENTARY



BARBARA SHELLY

No place for secrets in this case

Once again a child here has died a gruesome death. Try to imagine a 9-year-old boy bound and gagged, perhaps with a sock stuffed in his mouth. Think of that child choking on his vomit and fear. According to the Wyandotte County coroner, those were Brian Edgar's final moments.

Blame may or may not extend beyond the adults present when he died. His adoptive parents, Neil and Christy Edgar, have been charged with the murder of Brian, and with abusing their three other adopted children. A 19-year-old woman, who authorities said might have been a baby sitter, also is charged with Brian's murder.

Nick Tomasic, Wyandotte County district attorney, has said the Edgar children frequently were bound and gagged before bedtime. Disagree though we may on appropriate forms of discipline, most people would call that child abuse. It was tragic treatment for the four children, all of whom had been adopted out of foster care.

But who knew, or who should have known, what was going on in the home of Neil and Christy Edgar, both pastors of a Pentecostal church called God's Creation?

Without access to records, it is impossible to know what warning signals, if any, were present before the adoptions of the four children were finalized. The state prohibits corporal punishment and discourages homeschooling for children in its custody, said Roberta Sue McKenna, assistant director of the department that oversees child protection services. Adoptions would be unlikely to be finalized if prospective parents insisted on those practices, she said.

But there are people who can even the keenest social worker. Mary Bass, another parent who kept her abused children out of school and out of sight, deceived Missouri child welfare workers for years before she starved two of her sons to death.

To the world, Neil and Christy Edgar were an upstanding couple. Leaders and members of their church have rallied to their defense.

The accusations, some supporters insist, are a lie.

But a child in the Edgars' care died in a hideous way. That is the truth, which no deceptions, secrets or sealed files can erase.

To leave a comment for Barbara Shelly, call (816) 234-4800 and enter 4594, or send e-mail to bshelly@kcstar.com.

This is where we run out of answers.

Kansas officials, citing state law, will not release Brian's history, or details of his adoption in 2000.

The law needs to be changed. Its rationale — to protect a child's privacy — defies logic. This child is dead. Who is being protected and how are the interests of other children being served?

Richard Wexler, executive director of the National Coalition for Child Protection Reform, summarized the situation:

"Why was Brian in foster care in the first place? It's a secret. How long was he in foster care? It's a secret. Most important: Were there any previous complaints against the Edgars? It's a secret. Without that kind of information, how can anyone know if this was a tragedy no one could have foreseen or a tragedy anyone could have foreseen?"

The Edgar family itself was full of secrets. They used an address for a small house in Wyandotte County, yet police on Friday searched a \$350,000 Johnson County home, which they said the Edgars had been renting. Neighbors at both locations said they rarely saw the children. A brother of Neil Edgar said he didn't know the couple had adopted Brian. The four children didn't go to school outside of the home.

THE KANSAS CITY STAR.
Saturday, January 11, 2003

www.kansascity.com

Olathe man trying to adopt girl is sentenced for molesting her

By TONY RIZZO
The Kansas City Star

A man who molested a 7-year-old girl even as he fought a court battle to adopt her was sentenced Friday to more than eight years in prison.

Steven L. Parkhurst of Olathe admitted in November that he had fondled the girl on two occasions between December 2000 and last April.

Parkhurst, 52, had nothing to say before District Judge Thomas Bornholdt followed plea negotiations and imposed sentence.

Defense attorney Scott Gyllenborg and assistant district attorney Dionne Scherff asked the judge to impose the sentence of 100 months.

Members of the girl's family described Friday how he had violated their trust and "scarred a young, beautiful girl for life."

Many in the family supported Parkhurst and his wife in their efforts to adopt the girl and her younger brother. It was the boy, who was 5, who reported the allegations.

Their grandmother described the boy as courageous and said Parkhurst had trained the girl not to tell anyone what he was doing to her.

The girl's mother told the judge Friday that with the Parkhursts she thought her children were going to a "loving, happy home."

The children now are being raised by family members.

Prosecutors had contested the adoption of the children by

Parkhurst because of a previous allegation made against him when he was a foster parent.

No criminal charges were filed in the earlier incident, but Parkhurst was not allowed to remain a foster parent.

Numerous people supported Parkhurst in the adoption effort, and several mental health professionals said at a hearing that they did not think he was a threat.

That hearing was closed to the public, but according to information filed in the criminal case, a judge allowed the adoption to proceed. It was just a few weeks from being final when the sexual assault allegations were made.

To reach Tony Rizzo, Johnson County court reporter, call (816) 234-7713 or send e-mail to trizzo@kcstar.com.

4-6

Youth justice system 'in crisis,' judge says

By TIM HOOVER
The Kansas City Star

JEFFERSON CITY — The chief justice of the Missouri Supreme Court told lawmakers Wednesday there was "public distrust and a lack of confidence" in the juvenile justice system.

In the annual State of the Judiciary address, Chief Justice Stephen Limbaugh Jr. focused on recent problems in the state's foster care and child welfare programs, which he said were in "a crisis."

He announced the formation of a commission of judges, lawmakers and others to look into the failings of the system and seek solutions.

Scrutiny of the system followed the August death of a Springfield boy who had been in foster care. Gov. Bob Holden ordered an investigation, then announced he was reorganizing the Department of Social Services. Several officials, including the department's director, have resigned.

"Although most of the focus has been on the Division of Family Services, I regret that in certain cases we judges have come under fire for being heavy-handed in the removal of children from their homes, for failing to provide timely hearings to the parents and families of those children who have been removed, and for failing to require the communication and cooperation between the court and DFS necessary to protect the children," Limbaugh said.

"Whether the truth of the allegations is perception or reality, the unfortunate result, of course, is public distrust and a lack of confidence in the system."

Retired Supreme Court Judge John Holstein will be the commission's chairman. House Speaker Catherine

Hanaway, a St. Louis County Republican, and Senate President Pro Tem Peter Kinder, a Cape Girardeau Republican, will serve on the commission, as will other legislators.

Holstein said he hoped the commission would make recommendations before the legislative session ends in May.

Limbaugh also said he would direct the state's court system to:

- Develop a manual for juvenile court judges to share practices and solutions;

- Implement standards for the timely processing of abuse and neglect cases;

- Ensure, whenever possible, children are placed first with qualified relatives before other alternatives are pursued;

- Require cross-training for all juvenile officers and Division of Family Services case workers so each group knows the processes in the system;

- Consider opening court proceedings "at least to some extent, so that there is a better balance between the need to protect the privacy of children and the need to inform the public and shed light on the system."

Limbaugh, who has been involved with child abuse cases as a prosecutor and a judge, said it often is difficult to make the right decision about when to remove children from a home or to give parents another chance.

"Even with all the wisdom in the world, mistakes will be made, and tragedies will occur," he said.

But Limbaugh said that when mistakes occur the only acceptable response is for authorities to redouble their efforts.

To reach Tim Hoover, Jefferson City reporter, call (573) 634-3565 or send e-mail to thoover@kcstar.com

AS CITY AND THE AREA

ROPOPOLITAN

THE KANSAS CITY STAR.

Thursday, November 28, 2002



Laura Scott

Now's the time not only to give thanks but to give what you can to those less fortunate. **Opinion, C-19**

of crime
s. C-2

Report slams foster care

Immediate changes called for in Missouri

By SHASHANK BENGALI
The Kansas City Star

Foster children in Missouri are endangered by a state system that overloads caseworkers, neglects to supervise foster homes and doesn't try hard enough to reunite children with their natural parents, an investigation released Wednesday concludes.

In a report to Gov. Bob Holden, investigators said Missouri's foster care system needs immediate changes. Among their recommendations were reducing workers' caseloads, creating a citizens' review panel, re-evaluating background check procedures for foster parents and improving worker training.

Holden called for the investigation after a Willard, Mo., man was charged with killing his foster son, 2-year-old Dominic James, in August. In media reports that followed, officials with the state Division of Family Services, which administers foster care, produced conflicting information about the boy's case.

Later, it was learned that the estranged wife of the foster father, John Dilley, had received a protection order against him in 1993. She said he had physically abused her.

Dilley, who is accused of shaking Dominic to death, was ordered Wednesday to stand trial on charges of second-degree murder.

See CHILDREN, C-2

CHILDREN: Death led to review

Continued from C-1

"We found that the circumstances leading to Dominic James being placed and left in foster care was a manifestation of a broken child welfare system that requires immediate attention," the report said.

Because of the attention on Dominic's case, Greene County was the focus of the report, written by Richard C. Dunn, who serves on the board of directors of the Children's Trust Fund, and retired Circuit Judge Frank Conley.

State Sen. Bill Foster, chairman of a Senate panel that is also reviewing the foster care system, said that the failures in Greene County were emblematic of statewide problems in the foster care system.

"Some of the things we've seen in Greene County, we've seen statewide," said Foster, a Poplar Bluff Republican. "We've seen the same problems in St. Louis and

Kansas City, and we expect to see the same problems when we go to other cities" for public hearings.

Foster's panel, created by Senate President Pro Tem Peter Kinder after Dominic's death, has held hearings in Kansas City, St. Louis and Springfield. The panel plans to hold two more hearings, in Jefferson City and in southeast Missouri, and recommend changes to Missouri laws and policies.

Separately, State Auditor Claire McCaskill is expected to complete in December a nine-month audit of Missouri's foster care system.

Holden said in a news release that he endorsed the report's conclusions and would propose significant reforms when the General Assembly convenes in January.

"Public confidence must be restored in the system," Holden said. "Every child in Missouri is entitled to a safe place to live. That's a right, not a privilege."

Kathy Martin, the director of So-

cial Services, said the report was an opportunity for change in a system that she agreed can be dysfunctional.

"It's difficult to read the types of public perceptions and lack of confidence noted in the report," Martin said. "That's difficult and hard, and obviously something we don't want to have."

Martin noted that the report also looked at other factors that extended beyond the department, including the performance of the judiciary and involvement of the community.

Conley, Dunn and the Missouri Highway Patrol conducted interviews with families, foster care workers and system leaders. They also reviewed hundreds of pages of documents.

The Associated Press contributed to this report.

To reach Shashank Bengali, Missouri correspondent, call (816) 234-4759 or send e-mail to sbengali@kcstar.com.

Hundreds mourn abused child

The Associated Press

NEWARK, N.J. — The governor and the mayor were among the mourners Friday as hundreds paid their respects to a 7-year-old boy whose death stunned the community.

Ushers distributed programs as people filed in from numbing cold to mourn Faheem Williams, whose decomposed body was found in the home of a woman who was supposed to be caring for him. The abuse case spurred calls for reform of the state child welfare agency.

His small, white casket lay at the foot of the altar, surrounded by flowers. A teddy bear was placed to one side of the closed casket, pictures of Faheem on the other.

In his eulogy, the Rev. David Ireland, pastor of Christ Church and Impact Ministries in Montclair, N.J., said there was a time and place for reform of child protection agencies. Gov. James E. McGreevey and Mayor Sharpe James also addressed the congregation.

Faheem's body was found Jan. 5 in a plastic storage bin, a day after his twin brother, Raheem, and younger brother, Tyrone Hill, 4, were found starving in an adjacent room of Sherry L. Murphy's home.

Authorities say that Melinda

Williams had asked Murphy, a cousin of hers, to care for her sons while she served a jail sentence.



January 9, 2003

Dear Mr. Morrison

I would like to thank you for returning my call. I was so taken back by your re-
turning my call, I could hardly gather my
thoughts. As I told you before the Brian
Edgar case is what led me to call you. I know
that in 1992 eleven years ago we seemed to be
on uncharted water. So very much has come to light
since the death of Douglas Brumley. Not a day
has gone by that I do not wake up with my two
children and Jeremy and Robbie on my mind and in
my prayers. Through out the day they are on my mind
and in my prayers. When its time to go to sleep I pray
for protection against violence, torture and destruction.
I pray for healing. The list is endless. Its been 19 years
of many long nights hoping and praying for justice. I
am at a loss what more to say to you. I do hope and pray
you do see the video in the office of the Federal Public
Defenders in the US Courthouse. I have included
Lories letter to the Judge in her brothers defense.
I have also included a copy of my testimony



to a Senate hearing in Kansas City Missouri.
The head of D.F.S. is gone thanks to Governor
Bob Holden. A panel created by Senate President
Pro Tem Peter Kinder will lead the way to hope
for the children of Mo. Governor Holden said "Every
child in Mo. is entitled to a safe place to live,
that's a right not a privilege." I hope and pray
our New Governor of Kansas feels the same way
Governor Holden does, along with our New ATT. General

Mr Morrison we do not need any more
deaths to show we have a problem. It should
not take a death of any more children to get action.
Most of the deaths could have been prevented.
Even after the deaths what does it take to get
a review of people like the Edgars, the Brumleys
or Doctors like Bill D. Graham or Guardians like
John Willard.

This is a new year. I have hope in my heart
because of Governor Bob Holden and Senator Peter
Kinder. As of now we don't know who in Topeka
will stand up for children like Brian Edgar.



The commentary by Mike Hendricks in the Jan 8th of the K.C. Star tells it like it has always been in my eyes and in my heart. There's simply no excuse for keeping records confidential after children wind up in the morgue. ALL it does is create doubt and suspicions, But to me the greatest reason the state of Kansas keeps confidential records is to cover and protect the people who by their own actions show they are just too Busy to Care. Top on the list would be SRS and Bureaucrats like Roberta Sue Mc Kenna. The Brumby case has taught me Memories do fade. People do forget about children who die when they are murdered. Some people think just because parents torture foster children and their own natural children they are not going to torture their adoptive sons and daughters. That is the Brumby case in a nut shell. On January 7th my husband and I attended the Public Forum of the Wyandotte Co. Legislative Delegation. My Senator David Haly was there I was given 3 min. I told them if they walk away with just one thing from this meeting please remember this, I got down on my knees and Begged them



to please have mercy on Kansas children.
Please hold accountable S.R.S. wrong doings.
Please take away their confidential record
keeping, Mr. Morrison. In a society where
every man, woman and child are held accountable
to the law, so it must be for SRS. People
like the Brumleys and Edgars, and all
children should be created equal. Natural, Foster
or adopted, it should be a right and not a
privilege to grow up in a safe place to live.

With High Hopes and a Heavy Heart

Lisa Marie Breitenbach

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Dearest Judge Lungstrum,

This letter is in regards to my brother Charles Cosgrove. We have always been close since we were little kids. We always did everything together. He has always been like my best friend instead of a brother. Even though he is my younger brother he has always been protective of me as if he was the older one. I have never seen anything but compassion from him all our life. We have had an intense life to say the least. When we were little we both had two parents who loved us a lot. My mom was neat, she was like our best friend too. She was bout of our room mothers. She volunteered for everything she possible could. I was in Blue Birds, Girl Scouts and dance classes and lucky Charlie always was part of all this. She was even our Sunday school teacher. We had a pool in our back yard always full of family and playmates. They always wanted to spend the weekend with us just because it was always so much fun. We also belonged to Worlds of Fun and Oceans of fun and Theater for Young AM. We had family vacations to Disney World, Las Vegas, Pikes Peak, Mexico and our house was like a toy store. Our family holidays were the greatest of all with all our cousins. We all had so much fun together with Easter Egg hunts, Birthday parties, Christmas and Halloween. We had a normal family except for one thing. Our dad had a violet temper. Then my mother decided she needed to get a divorce because she didn't want us growing up thinking it was OK to act like that. When my father found out about this was furious. My dad told my mom if she wanted a divorce she was not going to get us or the

house, and he was right, all the money from our house went to attorneys Charlie and I went to foster care. We lost our mother, our father, our dog, our toys, or grandparents, Aunts, Uncles, Cousins, we lost all our friends, neighbors, teachers, and before we outgrew and lived through foster care we even lost our names and our identity. I was known as Lauren Ann Brumley and my brother was known as Teddy Brumley. These people made us hate everything about ourselves, but worst of all we lost each other. After our little foster brother was murdered (then and only then) the foster home was shut down. My brother and I were separated and the little foster brothers the Brumley's adopted wee left behind where they still are today. Judge I am a grown woman now. I have three scars from knife wounds Alberta Brumley gave me as a child; my brother has several more. These people would grab us by our hair and give us bald spots. These people were sicker than sick. They would pinch little boy's private parts and much, much more.

Judge, the foster home we were placed in can't truly be described into words unless perhaps Steven King could do so. My brother and I, along with 150 other foster children, the Brumley's natural children from both marriages and the three adopted children of the Brumley's all of us each and every one of us grow up or were briefly placed by the State of Kansas, in the Brumley's very own chamber of horrors. Judge, it was horrifying what we were put through in their home on a daily basis. Our natural father's temper did not hold a candle to the violent nature of the Brumley's Delmar and Alberta.

My brother and I were beaten and abused by the hands of these two foster parents. We were hit not only by their hands but Delmar's choice seemed to be tools. He would hit with wrenches and screwdrivers. Alberta seemed to like green bean cans. She would make us hold our finger out and beat them with the can. Still to this day I don't care for green beans. She also liked to use a hammer type tool people use on meat to make meat tender. She would use it even on our eyes. We would have little red dot on top of black eyes from her. I have a vein around my eye that when I become tired it shows the damage from her. As children we were beaten so badly we had to stay home from school. We had meals withheld from us. They would even take the clothing away from us. We had to always keep the bathroom door open whenever we were using it. We were thrown around, punched, pinched and kicked. We were grabbed by our cheeks and our private parts. When I was twelve years old Delmar sexually abused me. None of us ever knew what to do. We had no choice, but to be quiet and survive it. We didn't want to go to an institution, that's what they told us would happen. When I was in 8th grade, Alberta Brumley was in a car accident that's when it got even worse. She became even meaner because of all the pain she was in; she had a purse full of medicine. We called it her medicine bag. I was pulled out of school to take care of all the children. I had to take care of our handicapped brother who couldn't do anything for himself. School was the only social gathering we were allowed to do as foster kids. We couldn't go out with friends nor even have any friends. One time Charlie had been given a picture of this little girlfriend of his.

We were all sitting in the living room when Charlie was asked about the picture. He was told, "You probably stole that picture from someone else no girl would give you her picture." Comments like that were always made to Charlie from Alberta. She was just always beating him down one way or another. Once when our foster parents went away, I was left in charge of all the kids. I was only 12 or 13 years old. The one handicapped child was on all kinds of medication and needed all sorts of extra care. He had a seizure where his eyes rolled back into his head. I ran with him to our neighbor's house they tried CPR and called the paramedics. If I hadn't not done that, he would've died. But when our foster parents came home I was drug around by my hair and beaten and screamed at. I could tell so many stories about these people and what they did to my brother and I and all of us kids but I don't want to embarrass my brother. The only reason these people were foster parents was for the money. They made that very clear to us. We wore hand me downs and were treated second best. It was all such a nightmare; I personally don't even like to talk about it. Our foster parents along with JoCo Mental Health convinced my brother and I that our parents were into a cult and that they did not love or even care about us. They brainwashed us into believing this. We were just little kids and knew no different. From the time my brother was four and I was eight we were beaten and most of the time for little or no real reason.

My mom always says truth is much stranger than fiction, gosh is that ever true in the case of our foster family. Our foster parents never needed a reason to

get angry, they would get angry over nothing at all. All we would ever hear was cussing and damming, yelling and screaming, insults like how ugly we were, how no one loved us, how psychotic our parents were all this on a daily basis. Their words were so harsh and cold their actions were so physical and unbearable, we literally lived in fear. We could be drug around on the kitchen floor by our hair and get slammed with the meat cleaver and yet at the very same time getting burned by their words of hate and anger. They truly put us through torture day after day, this is what we grew up in, and this is what we survived. Alberta would purposely inflict pain upon us but what really kills me is that these ruthless and cruel creatures of life were nominated as The Best Foster home in Johnson County, not just one year but for several years running. I thank God my brother and I were not placed in what was considered the worst foster home, I can't imagine how bad that would be since they still consider the Brumley's to be good foster parents. I saw with my own two eyes, my baby foster brother kept in a bed with a lid on it or in a highchair. He would be screaming and crying and all that women would do to him was hit and slap him. He was so cute and she was so mean. Then one day she gave him away to her daughter just like a neighbor would give away a puppy dog. When he would come over he would tell me "Lorie I want to come home" I would tell him "Dougie its gotta be better there than it is here." Then one day I was awakened very early and I was told Alberta had to go to Dougie because he was sick over at her daughter's house and that I needed to wake up to make sure the

kids all got off to school. Hours later I found out Dougie's life of hell was over. He had received the last bruises of his life like all the rest of us kids every part on his body had been hurt. Alberta's daughter gave Dougie his final blow but her daughter was passing down a family tradition the circle of abuse, the anger instilled in each of us each and every one of us. It was all so horrible. I was by Alberta's side when she came back home and when she got the news from the hospital that Dougie was dead. She did not shed on tear or cry at all. She just seemed very nervous. As soon as Delmar Brumley got the horrible news he immediately had a heart attack. Later that day, my brother and I had our weekly session at JoCo Mental Health that's when we found out we were going to get some of our belongings and stay somewhere else.

My brother and I were not taken from that foster home until one of our foster brothers had been brutally beaten and killed. Charles and I both handled it differently. I just wanted to be left alone and Charles just seemed to act out. We then were separated for the first time in our lives. We even ran away together once thinking we were all by ourselves, not knowing we had family whom truly loved us. Finally I turned 18 and outgrew foster care. I got a call from the Johnson County Sheriff's office. Major Lou Hoskins said our mom had dropped off boxes of information for me to read. He said that he would really like me to see it. After a long deliberation of this situation I decided what did I have to lose. I always missed my mother. I always wanted my own Mom and Dad and I know my brother did too. So I picked up the boxes of court records, letters years of

letters my mother had written for us addressed to everyone, everywhere anyone who would listen. I saw our family pictures and I sat with my boyfriend and his mother and looked at all of it.

For years we were told how crazy our mother was, how she was going to come and get us and kill us. We were told how ugly we were, how stupid we were, how we would never have a boyfriend or girlfriend, how crazy we were and that they were all we had. It makes me so sick that I do not want to talk about all of this, but Judge, my brother is the one thing in my life I could always count on. A lot of times I haven't even got to see him, but when we did get to be together, we tried to make the best of it. Judge, we are so close, nothing could ever tear us apart.

My eyes have seen my brother abused growing up in States custody at the Brumley Foster Home. Every way you can think of and then some extras, like only our foster parents could think of. I have seen him tied up, taped up with duct tape, and beat up with black eyes, knife wounds - the list is endless. Now, I have had to see him behind glass. I have phone bills I don't like to open, but my brother is still my best friend.

I am not sure what you as a Judge can do, but I can tell you this - If I were the Judge in this case I would say that I have seen and I have read between all the lines, all the dotted I's and all the crossed T's and all that was hidden from the sight of the court is now brought to light. You have paid in full for choosing wrong; you have missed the birth of your son. You still have not even held or touched your son. You have been cast with the background of abused in

the hands of the State since the age of 4. You were powerless - a powerless prisoner, a helpless hostage. You have not truly shown a change of heart until now and now I believe you are a life worth saving and I would set him free with whatever help and aid the State could provide for my brother and his family.

I know more than anything, Judge, that my brother wants to be a good father. I am sorry this letter was so long, but I have never had to do anything that was as hard as this or means as much to me as this. I know my brother would be a wonderful father, when he gets out because he has seen all of the bad things a father can be.

Sincerely,

Lorie Marie Cosgrove
Lorie Marie Cosgrove

Introduction: How the War a Against Child Abuse Became a War Against Children

“Let me paint a picture for you. We are in New York . A little child by the name of Mary Ellen is kept locked in a closet by her mother. She is brutally tortured.” At the time we had no laws for Child Protective Services in America. The animals on the streets had more rights than Children. In fact the American Humane Association came to Little Mary Ellens aid. This story is told repeatedly in defense of the child savers. The element that is usually left out is the fact that her mother was actually her foster mother.

By portraying horror stories of brutally abused children, America’s “Childsavers a term they gave themselves in the 19th century” have been given near-absolute power in order to allegedly protect our children. This is a system that destroys children in order to try and save them.

The State of Missouri keeps erring on the side of the child or “defending children’s rights” or putting children first. We are requiring the massive removal of children from one set of adults, their parents, to another set of adults, foster parents, with decisions made by still another set of adults, judges, lawyers and Division of Family Services.

Abolishing Family preservation puts child savers first. When the division of family services come first, the children of Missouri comes last. No one can be absolutely certain that the child left at home is safe-but no one can be absolutely certain that a child placed in foster care is safe either. Family preservation has the better track record. There has been more than a century of experience. Isn’t it time that the advocates of foster care are held to account for the failure of their program. We let untrained inexperienced workers with overwhelming caseloads go out and make life and death decisions. Then, when something goes wrong the people responsible for creating these appalling conditions blame “reasonable efforts” or “family preservation”, because the alternative is to blame themselves.

National data on child abuse fatalities show that a child is more than twice as likely to die of abuse in foster care than in the general population. Abuse or neglect by foster parents is not investigated because agencies tolerate behavior from foster parents, which would be unacceptable, by birth parents.

I know this first hand by my own experiences with foster care. In 1984 my soon to be ex husband fired a weapon so powerful it killed our whole family. The weapon was a false allegation of abuse. Our son was 4 our daughter was 8 years old. They went to foster care. It did not matter that I was completely exonerated of all charges. It did not matter that my ex told the court he lied about the abuse. Our children got placed in foster care. The foster parents committed unspeakable crimes against them. My children were sentenced to this prison by the child savers. A prison the child savers call foster care. In this prison they have fewer rights than murders and rapists that are serving time in federal prison. The sentence lasted for 10 years. There were over 150 other children sentenced to

this prison. During the course of the 10 years several children would run away and beg for help. Many of the children would end up with bruises. Older children would be held out of school to care for the younger ones. All attempts for help from the children fell on the death ears of the child savers. Since they were foster kids the child savers think of them as little liars. Suddenly their sentence was changed. One of their foster brothers was murdered. It is sad that a death of a child was required to get help for these children.

I believe my children were kidnapped and tortured at the hands of the State. They were trapped in a conspiracy of secrecy. Juvenile courts are closed. Because of this no one is held legally or criminally responsible for it.

Our son is now 23 years old. He lives in Greenville Il. in a federal prison for a crime he was held accountable. He has served 2 years and 3 mo. He has 6 years and 6 months to go. His experiences in the system have made him a very angry man. Prison studies show the large number of criminals having a foster care background. I love my son very much and see him as often as possible. It is a 10 hour round trip. Fortunately our daughter is doing much better. She works with us in our little drive through donut shop in the Northland.

In a society where every man, woman and child are held accountable to the laws, child protection agencies must be held accountable to the same laws.

Thank you for this time and may God speed for the children and families of Missouri.

Elisa Marie Breitenbach
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Our Favorite Web Sites

<http://www.vocalofmo.org/#>
<http://www.join-hands.com/victims/>
<http://www.nccpr.org/>
<http://www.justiceforfamilies.org/library>



February 6, 2003

To: Senate Judiciary Committee
From: Gary Brunk
Re: Senate Bill No. 67

Kansas Action for Children supports the intent of Senate Bill No. 67, but we believe the bill needs to be improved.

When because of abuse or neglect a child dies or comes close to dying we have a responsibility to do anything in our power to understand the antecedents of such a tragic outcome. That understanding is an urgent moral responsibility: we need to use that knowledge to inform efforts to improve the child welfare system in ways that will prevent future fatalities.

We believe that shedding light on issues that can help improve the child welfare system is the intent of this bill, and we applaud the intent. However, there are a couple reasons we urge the committee to not act on this now. First, we understand that some changes may be needed in order to bring this legislation in compliance with the Child Abuse Prevention and Treatment Act (CAPTA). Hopefully others will testify today about this issue.

Equally important is the need to thoughtfully review all the statutes covering children in need of care. The Judicial Council is working on a comprehensive revision of these statutes and plans to present recommendations to the Legislature next year. We think it would be appropriate and prudent for the Judicial Council to integrate the intent of this bill in its recommendations, and believe that is the course that will result in a set of statutes that can best serve the best interest of children in need of care.

Finally, we want to underscore how important it is to not only strengthen the relevant statutes but to also strengthen to infrastructure of services that can prevent abuse and neglect. Much needs to be done in this area in Kansas. I will not go into details about the kinds of improvements that are needed, but I have attached a relevant section of a forthcoming KAC report.

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Strengthen Prevention Programs

Child Protective Service Reform

With the number of investigations of abuse and neglect by Kansas Child Protective Services (CPS) in recent years reaching nearly 26,000, the time for systematic reform is now.

Kansas needs to transform CPS so it not only has the capacity to protect children who need to be removed from the home but is also equipped to serve families at risk so most children can be safe at home. CPS must also be ready to respond to different family situations through different remedies.

The traditional CPS model functions like a light switch. If reported child maltreatment is substantiated with evidence, the light goes on and the flow of services begins. As a result of overwhelming caseloads and limited resources, if the case does not fall within the definition of abuse or neglect, the light goes off and families' needs are not addressed. Experts say some situations in the latter category could benefit from attention to prevent CPS involvement in the future.

An emphasis should be placed on developing a continuum of family support and prevention programs to avoid crisis-oriented interventions in the first place. Several states are implementing CPS reforms that seek to both protect children and support families. The key elements of these efforts include:

Multi-tiered response

In a multi-tiered response system, reports of abuse and neglect are evaluated according to the severity of the threat to the child. Cases where there seems to be sexual and/or serious physical abuse and neglect are referred for a traditional investigation and possible removal of the child. Cases where there seems to be no immediate threat to the child receive a family assessment and are referred to appropriate services.

Family assessment

A family assessment is an important component of these reforms. In the traditional CPS investigation, the caseworker's

primary responsibility is to obtain the facts that can be the basis for a court's finding of abuse or neglect. The role of the caseworker doing a family assessment is quite different, since the emphasis is on determining if services can be provided that will allow the child to remain safe at home.

Community-based staff and community collaborations

In these reforms, CPS staff is often placed in communities with significant numbers of abuse and neglect reports. CPS staff also involves community organizations in collaborative efforts. In some cases, teams made up of CPS staff and workers from other public and private agencies work with the family to develop a plan and provide supports and services.

A plan based on these reform efforts should be developed and piloted in two or three Kansas communities. Such a plan could build on the experience of the Case Management Project, which has been coordinated by the Children's Alliance. It could make use of current SRS staff and include contracting with community-based service providers.

While the improvements outlined above deal with the "front end" or before children and families enter the system, changes are also needed to the "back end" or after entering the system.

Fragmentation of service

Many families served by the CPS are also receiving services from other state and local agencies (e.g. health, mental health, housing, income supports). Families are caught in a maze of agencies whose caseworkers have little or no communication, and whose services are not coordinated to provide the families with a full array of needed supports.

Better coordination across agencies in the form of intake resource centers could get services to people who need them most. A good example is the Children, Youth and Families Resource Center in Topeka. It serves as a "one-stop shop" for families to gain access to the full continuum of care from a variety of agencies.

What's good for the child is good for the state

Children deserve a safe and stable environment. CPS reform will allow the state to solve problems before they get out of hand. Investing in prevention programs now will save the state money later.



Strengthen Prevention Programs

Family Preservation

Until we have a continuum of family support and prevention programs that can serve low and high-risk families, the child welfare system will continue to feel pressure from having thousands of children in out-of-home placements. Currently, family support and prevention services in Kansas are underdeveloped.

Intervention versus prevention

Family Preservation is a critical prevention-oriented program within SRS. Still, the agency's Web site describes it as "intensive in-home services offered to families who are in imminent danger of having a child come into the custody of the department and removed from their home unless the family can make the changes necessary to provide adequate care and safety." A prevention-focused approach would include serving families who are at risk of child abuse and neglect with programs such as the ones below.

What services are available?

In Kansas, the continuum of support services includes:

■ Healthy Start Home Visitors Program

Offers home visits to all pregnant women and mothers with infants under age 1, with priority given to high-risk families. Home visitors provide information and referrals to support services, and screen for child abuse and neglect.

■ Parents As Teachers

An early childhood parent education and family support program serving families throughout pregnancy until their child enters kindergarten. The program is designed to enhance child development and school achievement through parent education accessible to all families.

■ Early Head Start and Head Start

Comprehensive child development programs which serve children from birth to age 5, pregnant women and their families. They are child-focused programs and have the overall goal of increasing the school readiness of young children in low-income families.

■ Four-Year-Old-At-Risk program

Provides early education services to 4-year-olds who are considered at risk due to poverty, teen parents minor developmental delays, limited English skills or other risk factors.

Features of programs proven effective with high-risk families:

- Initiated prenatally or at birth
- Voluntary participation
- Intensive (at least once a week) and long-term (3-5 years)
- Comprehensive, focusing on parents, parent-child interactions and child development
- Emphasis on linking families to a range of community services
- Ongoing and intensive staff training and evaluation

Gaps in services

Although the programs outlined above provide valuable services, the state lacks a continuum of care, especially for children between three- and five-years old. Even when programs exist, many children do not have access because of limited service areas and limited funds.

Access for all

KAC has advocated for funding for programs such as Healthy Start and Parents as Teachers to make those programs available to all interested families. But many communities still lack those programs or have long waiting lists.

Better coordination

In addition to limited funds, lack of statewide coordination of family support and prevention programs is a serious problem. Existing programs are funded through several state agencies including SRS, Juvenile Justice Authority, Department of Health and Environment, Office of the Attorney General and the Department of Education. Statewide planning and coordination present ongoing challenges within those programs.



What's good for the child is good for the state

Perhaps nowhere is it clearer that prevention pays off than when comparing the costs of family preservation versus foster care. It costs about \$4,000 a year to provide preservation services to a family with three children, but it can cost \$75,000 a year if those children end up in foster care.



**Kansas
Children's
Service League**

**Testimony before the Senate Judiciary Committee
Regarding Senate Bill 67
2/6/03**

Mr. Chairman and members of the committee, I am Teresa Schwab, Advocacy Manager for Kansas Children's Service League. KCSL is a not-for-profit child welfare agency serving children and families across the state. Our services span the areas of prevention, early intervention, treatment and placement.

I would like to thank you for the opportunity to offer testimony in regards to Senate Bill 67, which concerns opening records of children in state custody in the event of a life-threatening injury or fatality.

We support the public's right to access of information and agree that individuals or agencies must be held accountable to the children they are charged to protect. In reviewing the language of this bill, we realize that there may be many unintended consequences if this bill passes in its current form. Our utmost responsibility is to protect the integrity of these children and not have their lives, and the lives of their families and siblings, unnecessarily opened up to public scrutiny.

In addition to the practice implications, there are federal requirements under Child Abuse Prevention Treatment Act (CAPTA) and Health Insurance Portability and Accountability Act (HIPAA) that must be considered so as not to jeopardize federal funding or put individuals at risk for civil or criminal penalties.

Since 1982, there have been several amendments to the Child in Need of Care (CINC) code. We believe any further changes to state confidentiality statutes must be done with significant thought and planning. Because of this, **we recommend referring this issue to the Judicial Council for their review.**

The Judicial Council is currently reviewing the CINC code, and plans to have their recommendations completed to present to the Legislature next year. The Judicial Council will have the opportunity to consider these changes and assist the state in designing a process and safeguards for children and families. Allowing the Judicial Council to review the changes proposed in this bill will allow them to do so in the context of their other recommendations as well as with consideration of compatibility with federal law.

Thank you for your time and attention to this matter.

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COMMUNITY PROGRAMS
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300 SW OAKLEY
TOPEKA, KS 66606
785-235-1611
785-235-1822 (FAX)

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Senate Judiciary

02-06-03

Senate Bill No. 67
Senate Judiciary Committee
February 6, 2003

KVC has been caring for children and families for over thirty years. We offer a full continuum of services including behavioral health and independent living as well as foster care and residential care. We are also a child placing agency and accredited by Joint Commission. Our newest services include Pediatric Services and a 15-bed Psychiatric hospital located at our West facility in Kansas City, Kansas.

Since KVC is an agency based in Wyandotte County, we are of course aware and saddened by the recent events involving a child formerly in state custody. There is nothing more horrific for persons who work in this field.

KVC agrees and applauds the efforts of the Committee to attempt to address the confidentiality issue in such cases. Having worked in this system as a provider, I personally have been frustrated at my inability to respond but as a lawyer, I respect the law and the intent behind it; to protect children, families and foster families who are part of the child welfare system. I have sat through legislative sessions for years and listened to conferees who told their story while I listened, knowing there was another side to the story. I am also a proponent for a free press in our democratic society. So I am interested in your efforts to address the issue. However, there are a few questions I ask the Committee to consider.

Funding for foster care and adoption relies heavily on federal monies through Title IV grants with their own confidentiality requirements. In a time when every dollar counts to provide needed services for children and families, one would want to insure that any legislation would not jeopardize our federal dollars.

Congress has passed the Health Insurance Portability and Accountability Act (HIPAA) that protects all medical information and includes mental health information as well. The Act becomes effective April 16, 2003 and carries severe penalties for any person or organization that violates it. SRS and all providers of services to children in these contracts are subject to HIPAA. Certainly information in foster care and adoptive files would have such information. The effect of HIPAA on the proposed legislation is not clear.

K.S.A. 38-1507 has been in existence since 1982. Since that time, it has been amended fifteen (15) times. Sometimes these changes create unintended consequences. For example, this legislation could arguably allow all information to be made public beyond the circumstances of the child's death or life-threatening injury. It appears all previous placements would be made public even if those placements were not connected with the injury or death. Families who consider becoming adoptive or foster families go through and intense ten-week training and are asked difficult and personal questions. Would this

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information also be made public? If so, the likelihood of recruiting families would diminish greatly.

The Judicial Council is in the process of reviewing the Child in Need of Care Code with the intention to make recommendations to the legislature in 2004. Their task is to consider changes while staying cognizant of other Kansas statutes and federal requirements so there will be no conflict of laws.

These changes need to be made thoughtfully and deliberately. It is our hope you will allow the Judicial Council to make the appropriate changes to protect the children and also allow the necessary information to reach those who should receive it.

Respectfully submitted by:
Maureen M. Mahoney
General Counsel
KVC Behavioral HealthCare