

## MINUTES

### JOINT COMMITTEE ON CHILDREN'S ISSUES

November 30-December 1, 2009  
Room 545-N—Statehouse

#### Members Present

Representative Mike Kiegerl, Chairperson  
Senator Julia Lynn, Vice-chairperson  
Senator Oletha Faust-Goudeau (Monday)  
Senator David Haley  
Senator Roger Reitz  
Representative Peter DeGraaf (Monday)  
Representative Bill Otto  
Representative Valdenia Winn

#### Members Absent

Senator Susan Wagle  
Representative Marti Crow

#### Other Legislators Present

Representative Peggy Mast (attending upon request of the Chairperson)  
Representative Forrest Knox

#### Staff Present

Martha Dorsey, Kansas Legislative Research Department  
Reed Holwegner, Kansas Legislative Research Department  
Amy Deckard, Kansas Legislative Research Department  
Lauren Douglass, Kansas Legislative Research Department  
Nobuko Folmsbee, Office of the Revisor of Statutes  
Renae Jefferies, Office of the Revisor of Statutes  
Jan Lunn, Committee Secretary

#### Others Present

See attached list.

**Tuesday, November 30  
Morning Session**

Chairperson Kiegerl called the meeting to order at 9:14 a.m. and welcomed those attending. He announced the two-day agenda would focus on policies, procedures, and practices regarding foster care and adoption, as well as issues regarding contracting of foster care and family preservation services. The Chairperson indicated that much of the private citizen testimony is critical of the delivery system, complicated, contentious, and troubling. In order for Committee members to evaluate the testimony submitted, Chairperson Kiegerl requested conferees remain factual describing their experiences without naming case workers, supervisors, or individual contractors. He acknowledged that people have different points of view and in order to ensure that both perspectives are reviewed, Don Jordan, Secretary, Kansas Department of Social and Rehabilitation Services (SRS), will review conferees' testimony and provide follow-up information to Committee members.

**SRS Child Protective Services Policies  
and Procedures**

Don Jordan, whose agency is responsible for child protective services, was recognized. Secretary Jordan introduced Tanya Keys, Director of Children and Family Services, SRS, and Katy Belot, Director of Public Services, SRS. Secretary Jordan distributed his written testimony (Attachment 1), and began by describing the policy guidelines and procedures for removal of children from parents and foster parents. In addition, he reviewed the time requirements to document emergency removals. Mr. Jordan emphasized that SRS staff does not possess the authority to remove a child from the home unless authorized by court order; only law enforcement can remove a child without a court order. Following a child's removal, a court hearing must occur within 72 hours (excluding weekends or holidays) to determine placement. Secretary Jordan described the process required to place a child in custody and oversight responsibilities by the Court and State. He reported that Kansas recently completed the second Children and Family Services review and will undergo a federal audit (during the upcoming year) for compliance with the conditions for receiving federal funds. Secretary Jordan indicated that SRS priorities for children include safely maintaining the child in his/her home, and, in the case of placement with a foster parent, reintegrating or reuniting the child with the family as soon as possible. When neither priority is a safe option, permanent placement of the child is attempted.

Committee members asked about time limits for locating parents or relatives prior to foster care placement; whether any contact information is provided to parents or relatives (at the time of removing a child from the home) as to the process or location of the child; whether process improvements have occurred and are documented; whether the actual percentage of children (25.32 percent) placed with relatives is low compared to program goals; how Kansas statistics compare to national averages related to the length of time children are in custody prior to reunification with families; when reunification or adoption case plans are presented and how they are monitored; whether children age ten years and older are allowed to speak to the judge assigned to that case; and how involvement with advocacy agencies, such as Court Appointed Special Advocates (CASA), occurs. Representative Otto requested that a currently executed vendor contract be available for Committee review.

Secretary Jordan responded that even in good circumstances it can take five to six days to locate parents prior to foster care placement. Related to the provision of contact information, Mr. Jordan indicated there is no card or information furnished to parents at the time of removing a child

from the home. Process improvements have occurred and Secretary Jordan documented Kansas' superior ranking in measuring performance outcomes with 31 other states. While 25.32 percent of Kansas children are placed with relatives, Secretary Jordan indicated staff continues to work toward increasing the number of children placed with relatives. Mr. Jordan indicated the national average of children placed with relatives is 25.7 percent. An attempt will be made by Mr. Jordan's office to procure information related to Kansas' comparison to national data pertaining to the length of time children are in custody prior to reunification with families. Children age ten years and older are allowed to speak to the assigned judge; typically, the child will speak with the caseworker or guardian ad litem (GAL) who furnishes information to the judge. Secretary Jordan reported that individual case plans are presented to parents or families within 20 days of the child's removal, and the plan is monitored by the Court. CASA and other advocacy agencies play an important role in communities where they are located. In Kansas, currently there are 26 judicial districts with active CASA programs which are funded by local communities.

Discussion was also heard related to compensation for a guardian ad litem compared to a private attorney, compensation from the State to foster families compared to compensation paid to relatives of children removed from the home; the responsibility of the judge and the limitations in the judge's authority to determine placement (a judge can only determine where a child will not be placed); the increase in complaints against SRS and their management of these cases despite rules and regulations; and the apparent lack of SRS authority and oversight over contractors' case workers. In addition, quality control measurements of contractor performance, SRS procedures for handling complaints, services provided by contractors, caseworker and contractor qualifications, training and supervision provided to case workers, privatization and oversight policies were reviewed.

Chairperson Kiegerl recognized the following individuals who provided testimony related to experience with children placed in SRS custody:

- Valorie Rosproy (Attachment 2);
- Debbie Wilson (Attachment 3);
- Cecillia Arnold (Attachment 4);
- Marilyn Dilly (Attachment 5);
- Amanda Coppenbarger (Attachment 6);
- Clarence and Marian Wonsetler (Attachment 7);
- Fred and Sadie Carpenter (Attachment 8);
- Claudine Dombrowski (Attachment 9);
- Larry Sneary (Attachment 10);
- Kathy Winters (Attachment 11); and
- Don Porter (Attachment 12).

Written testimony was received into this record from:

- Cynthia Rader (Attachment 13);
- Stacie Roulston (Attachment 14);
- Susan Summers (Attachment 15);
- Loretta Weber (Attachment 16);
- Linda and Randall Nelson (Attachment 17);
- Arnetta Jefferson (Attachment 18);
- Kay Coon (Attachment 19);
- Jessica Arias (Attachment 20);
- Melody Gerow (Attachment 21);
- DeLane Hastings (Attachment 22);

- Mary DuClos (Attachment 23);
- Karrie Jeanneret (Attachment 24);
- Annette Jones (Attachment 25);
- Patricia T. Violetti (Attachment 26); and
- Carlene Eye (Attachment 27).

Conferees testified regarding claims of breakdowns in the protective services system, including judicial administration of cases, unsubstantiated SRS reports resulting in child removal, caseworker turnover, children placed with convicted abusers, lack of follow-through by SRS on various allegations, denying children the right to speak with the assigned judge, lack of follow-through by law enforcement on various allegations, placing children in foster homes rather than with parents or relatives especially aging grandparents or relatives, overall lack of communication between parents with caseworkers regarding each individual case plan, caseworker violations of Kansas law, the concern that the layers and sheer number of individuals involved dilute the effectiveness of services, and multiple foster care placements once a child is in protective custody.

Chairperson Kiegerl expressed concern for conferees and indicated that in complicated cases such as those reviewed, attention, oversight, and communication are critical to resolving children's issues in Kansas. Representative Kiegerl stated that the front line caseworker is the most important resource in adoption, placement, and protecting children. When the caseworker functions inappropriately, however, the process breaks down. He requested that Secretary Jordan consider what oversight and control improvements can be made by SRS over the contractors.

### **Wednesday, December 1 Morning Session**

Chairperson Kiegerl welcomed members to the second day of the Joint Committee on Children's Issues meeting. Representative Kiegerl reported that Johnson County District Judge Kathleen Sloan was scheduled to provide some judicial recommendations, but due to unforeseen circumstances, she could not attend. A statement from Judge Sloan was read by Chairperson Kiegerl, and he requested the statement be included in the record. Judge Sloan provided the following testimony:

"I would like to see the statute changed so that runaways could be placed in a secure facility before being formally adjudicated as children in need of care. Currently, the Court cannot place a runaway in a secure facility after a no-run order is given until the child is formally adjudicated. It takes time to get an adjudication and some of our runaways need the secure facility to keep them safe. My second point is the financial issue with grandparents as caregivers. Grandparents who are unlicensed foster parents do not get the same financial assistance as those who are licensed. The expenses for those grandparents are just the same, therefore, this issue should be addressed."

Chairperson Kiegerl introduced two members of the bar who function in the GAL role, Jean Ann Uvodich and Erna K. Loomis (who is Representative Kiegerl's daughter). These attorneys provided Committee members with another perspective related to Children's Issues in Kansas.



Ms. Jean Ann Uvodich distributed her testimony (Attachment 28) and described several experiences involving multiple foster care placements during the time the child was in foster care, reports of child abuse while in foster care, case worker turnover, and the appearance of financial incentives preventing the contractor from acting in the best interest of the child. Ms. Uvodich concluded that supervision and oversight of case workers is unclear, guidelines and contractual standards often are violated, and in many instances, front-line case workers possess absolute power that is used in manners that do not benefit the child in protective custody.

Ms. Erna K. Loomis provided testimony (Attachment 29) regarding her experience as a GAL for 17 years. Ms. Loomis described the Kansas Child In Need of Care Code as being a sound body of statutes that works well in almost all instances. She stated that, in her opinion, a change authorizing judicial determination of placement would improve the law. Currently, the court can only order a specific placement not be made. The court cannot order that a child live with a specific person or family. The court should be given authority to review and order placement. Without this recourse, only SRS can make these decisions. Ms. Loomis reflected on her experiences and offered several suggestions as to reasons contractors perform poorly:

- Inexperience of workers, changing workers;
- Timeliness of services, dropping the ball, resources;
- Placement issues - attachment of children to foster parents who want to adopt;  
and
- Policies that don't serve families (visitation, grandparent visitation, resources).

Considerable discussion ensued in which Committee members clarified several points made in testimony regarding caseworkers submitting subjective reports to the Court that parents and families are not allowed to see, choosing to not reunify children when parents have completed reintegration plans, and not providing meaningful contact between parents and children in visitation policies. Members discussed the inequity of compensation for GALs, as compared to private attorneys. Representative Otto suggested placing substantial fines, such as \$10,000, against contractors found to be in violation of State code or contractual agreements. Senator Reitz suggested that he meet with Ms. Uvodich, Ms. Loomis, and a representative from the Office of the Revisor of Statutes to craft legislation for presentation during the 2010 Legislative Session. Both Ms. Loomis and Ms. Uvodich agreed to participate in this effort.

### **Performance Audit Reports - Legislative Division of Post Audit**

Katrin Osterhaus, Kansas Legislative Division of Post Audit (LPA), was introduced. Ms. Osterhaus reviewed the report "Children in Need of Care: Reviewing Selected Issues Related to Handling Their Cases." This report (distributed to Committee members), available online at <http://kslegislature.org/postaudit>, numbered 09PA02, was completed in August 2009. This audit was initiated, in part, because of comments by the SRS Secretary indicating that in Kansas social workers may have been unduly influenced by attorneys to distort the facts of child-in-need-of-care cases. Specific questions included in the audit were whether social workers had been unduly influenced to include information in petition applications that was contrary to their investigations and whether social workers who handle these cases were sufficiently qualified and trained to work effectively with attorneys and courts. Ms. Osterhaus reviewed key findings and recommendations resulting from the audit.

The second report reviewed was "Foster Care: Reviewing Selected Issues Related to State Contracts for Foster Care and Family Preservation Services." This report is also available online (as listed above), is numbered 08PA04, and was completed in April 2008. The report was initiated due to alleged irregularities when foster care contracts were awarded in 2005. Among the concerns were that information about other bids was disclosed to some bidders, that some individuals accountable for making decisions about the awards may have had a conflict of interest, and that SRS agreed to pay some contractors far more than their bid amounts. Ms. Osterhaus reviewed the process of investigation surrounding this audit, highlighted key findings, and discussed LPA recommendations.

### **Afternoon Session**

Secretary Jordan reviewed the process for foster care and family preservation contracts awarded in 2009. He indicated the process incorporated recommendations from the LPA. His report focused on the RFP, vendor qualifications, how contractors were selected, what qualifications were specified, performance expectations, communication allowed and prohibited during the selection, and the decision makers for contract award. He reported there were two proposals from each vendor submitted: a technical proposal and a financial proposal. The technical proposal was reviewed by SRS Director of Children and Family Services, deputy directors, and the Secretary of SRS. The financial proposal was reviewed by the Secretary of the Department of Administration; the Director of Purchases, Department of Administration; and the Secretary of SRS.

Secretary Jordan continued with his testimony describing a history of the process since privatization beginning in 1986 with public-private child welfare partnerships implemented in 1996. He also described significant changes in the FY 2010 contractual award compared to the 2005 period. Annual expenditures from 2004 through 2009 were reviewed including spending by region, contract type and total. Costs per case and outcomes, both by contract and in aggregate were discussed. Secretary Jordan indicated there were no compensation incentives or extra payments to contractors for adoptions or any other type of placements or permanencies. Payments are made to contractors monthly and include a base payment (fixed costs) plus a monthly child payment (variable child costs). Secretary Jordan discussed with those attending quality control, measurements of contractor performance, and oversight of contractual performance expectations. He reviewed the complaint process for contractors receiving complaints, and those made directly to SRS which are routed to the responsible region or contractor. Much discussion was heard regarding the review of contractors' financial statements, SRS' current budget and cuts resulting from the lack of revenue, the impact on communities that may occur resulting from the recommendations from the Realignment and Closure Commission, and the concept of returning to public administration for foster care and family preservation services.

### **SRS Award of Extraordinary Funding (EF)**

Chairperson Kiegerl recognized Maury Thompson, Executive Director, Johnson County Developmental Supports who testified on an EF award outside of the current standard or policy. (Attachment 30). He described the roles of Community Developmental Disability Organizations (CDDO), the Community Service Providers (CSP), and how EF awards are prepared and made. Mr. Thompson reported that in November 2008, SRS awarded one CSP a \$714,000 award that was made in violation of State policy and contract.

Senator Lynn expressed concern regarding the lack of transparency surrounding this award, particularly, when so many Kansans need services and limited resources exclude them from receiving what is required, and whether appropriate Medicaid documentation of eligibility was provided. Secretary Jordan indicated that he did make the decision, he had the authority to make the decision, and he accepted sole responsibility for the decision.

### **Chairperson Kiegerl's Closing Comments**

Chairperson Kiegerl thanked all those attending and summarized the activity of the Committee would focus on the following areas to:

- Give judges authority to decide where a child in state custody will be placed. Currently, judges are limited to deciding where children will not be placed; placement decisions are left up to the contractors;
- Change statute so that runaways could be placed in a secure facility before being formally adjudicated as children in need of care. Currently, the Court cannot place a runaway in a secure facility after a no-run order is given until the child is formally adjudicated;
- Increase state-funded support for grandparents caring for grandchildren who otherwise would be in foster care;
- Do more to protect the rights of families whose children are in state custody;
- Increase state-funded support for GALs comparable to fee structures of private attorneys; and
- Require better communication between contractors and parents whose children are in foster care.

Chairperson Kiegerl adjourned the meeting at 4:08 p.m.

Prepared by Jan Lunn  
Edited by Martha Dorsey

Approved by Committee on:

April 30, 2010

(Date)

SIGN - CHILDREN'S ISSUE  
12-1-09

NAME	AFFILIATION
Patrick Woods	SRS
Tanya Keys	SRS
Don Jordan	SRS
Kathy Wenters	grandmother
<del>Deborah</del>	KS-FCRC.com
Jim + Marilyn Dilley	Foster / Adoptive Parents
Chris Ross Baze	KDHS
Brandon Ruff	KLRD
Juni Raa	KCSL
Dusty Buell	Youthville
Erin Stucky	KVC
Kyle Kenler	KVC
Mark Gleason	Judicial Branch
Steve Solomon	TFI Family Services
Halle Hagle	TFI family services
Dave Ranney	KHS News Service
Earl F. Glynn	Franklin Center

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NAME	AFFILIATION
Kathy Winters	victim of CPS Olathe
Claudine Dombrowski	KS - Family Court Reform
Phyllis Porter	Parents and Childrens Justice
Donald Porter	Parents and Childrens Justice
FRED CARPENTER	victim of CPS Olathe
SADIE CARPENTER	Victim of CPS Olathe
Larry Sneary	Parent of minor child
Annette Sneary	Parent of minor child
Marilyn Hays	Kansas legal Services
Debi Hatfield	KDHE
Kyle Kesh	KVC
Darry Buell	YOUTHVILLE
Steve Solomon	TFI Family Services
Hatti Rife	TFI family Services
Mark Gleason	Judicial Branch
Sheli Sweeney	Assoc. of CMHC's of KS
Bruce Lindo	children's Alliance
Mark Borczyk	CAP: 202 STRATEGIES
Earl F. Glynn	Franklin Center
KATY BELOT	SRS
TANYA KEYS	SRS
DON JORDAN	SRS

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DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

## Child Welfare Contracts

November 30, 2009

Chairman Kiegerl and members of the Committee, I am Don Jordan, Secretary of SRS. I thank you for the opportunity to respond to your questions. In an effort to be precise and comprehensive, you have each been provided with a packet of information. Each section responds to a question or questions the agency received from Kansas Legislative Research Department as set out in the table below. I will review the questions and responses in lieu of testimony. The questions have been ordered and grouped somewhat differently than originally received. Italics are used to distinguish language required by the Department of Administration for all state contracts.

Requested Information	Section	Page
The selection process for FC and FP contracts. Please discuss the RFP, vendor qualifications, how the contractors are selected, what qualifications are specified, the expected tasks to be performed, the contracts themselves, what kind of communications are allowed and prohibited during the selection process, and who makes the final awards decision.	Section 1	3
Please provide the history of the process since privatization; i.e., how it has changed over time -- including information on the recent rebid.	Section 2	48
Response to Legislative Post Audit #08PA04. Staff from Legislative Post Audit are asked to present on the audit entitled "Foster Care: Reviewing Selected Issues Related to State Contracts for Foster Care and Family Preservation Services" (#08PA04). Please respond to this report.	Section 3	54
The annual expenditures from 2004 through 2009. Please include spending by region, by contract type and total. Please also include the cost per case and outcomes, both by contract and in the aggregate. Compensation incentives of contractors, if any. For example, are there extra payments for adoptions or placements, or if the contract does not address this, is there anything in the contract that would preclude such incentives?	Section 4	56
For performance measures, please include the baseline, what the stated goals are, and what the contractor(s) achieved.	Section 5	64
Quality control; measurements of contractor performance, who at SRS is responsible for oversight and control of vendor compliance with contractual obligation. Include any and all cost/benefit related information SRS maintains on the contracts, i.e., whether objectives delineated in the contract have been met and at what cost (either per case or per intervention). Identify who is responsible at the agency to investigate and follow up on complaints. Explain what the complaint procedure is: who receives the complaints? Is someone specific assigned to investigate? Is there a hearing?	Section 6	77
Policy guidelines and procedures for removal of children from parents and foster parents. What are the time requirements to document emergency removals?	Section 7	79
Does SRS review the contractors' financial statements to assure that state unemployment taxes, Workers' Compensation and state taxes are paid and that caseworkers carry professional malpractice insurance with the State of Kansas named as an additional insured?	Section 8	84

Children's Issues, Joint Committee on

Date:

11/30-12/01/09

Attachment:

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Recognizing the need to limit contacts between the Technical Proposal Review Teams and the Cost Proposal Review Team but also needing certain questions answered, Children and Family Services, Operations, Procurement Services and the Office of Audit and Consulting Services proposed and adopted the following:

- Questions initiated by the Cost Proposal Review Team shall be in writing and will be submitted to the Quality Assurance Lead before submission to the Technical Proposal Review Teams.
- The Quality Assurance Lead will review each question in consultation with the Senior Manager for Procurement Services and determine whether it is appropriate for it to be forwarded to the Technical Review Teams. If the question needs to be changed to ensure confidentiality and can be changed that will be done before submission to the team.
- The Technical Proposal Review Team will respond in writing to the question and will return the response to the Quality Assurance Lead.
- The Quality Assurance Lead will follow the same process as in the second bullet before giving the answer back to the Cost Proposal Review Team.
- The Quality Assurance Lead will maintain a master list of questions asked and answered for documentation to support this process.

RFP Selection Process

Review of proposals by the agency and selection process for the family preservation and foster care contracts proceeds through a series of activities led by a Procurement Officer assigned from the Department of Administration Division of Purchases. Prior to RFP announcement, a Procurement Negotiating Committee (PNC) is created consisting of the following entities (or their designees), who will conduct final evaluation and award: Secretary of the Department of Administration Director of Purchases (Lee Harmon), Department of Administration (Elizabeth Phelps); and Secretary of the Departmental Social and Rehabilitation Services (Tanya Keys).

Throughout the child welfare RFP process, SRS maintained a monthly review by the Director of Children and Family Services, Deputy Secretaries and the Secretary of SRS for purposes of timeline management and accountability to required processes and action steps.

*A proposal shall not be considered for award if the price in the proposal was not arrived at independently and without collusion, consultation, communication or agreement as to any matter related to price with any other vendor, competitor or public officer/employee. Technical proposals shall contain a concise description of vendor's capabilities to satisfy the requirements of this Request for Proposal with emphasis on completeness and clarity of content. Repetition of terms and conditions of the Request for Proposal without additional clarification shall not be considered responsive.*

*Per KSA 75-3740-(c), the Director of Purchases may reject the bid of any bidder who is in arrears on taxes due the State of Kansas. The Division of Purchases will confirm tax status of all potential contractors and subcontractors prior to the release of a purchase order or contract*


  
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August 26, 2008:

Proposal closing date for bid submission of technical and cost proposals. All cost proposals are submitted in a sealed envelope or container separate from the technical proposal. The outside is identified clearly as "Cost Proposal" or "Technical Proposal" with the RFP number and closing date.

August 27 to September 1, 2008:

Technical Proposals are provided to review team members and cost proposals to cost team members. Proposals are reviewed separately by different teams composed of individuals with subject matter expertise. Each team is supported by a SRS Children and Family Services staff person as scribe and logistics planner. Members of each team are approved by the Procurement Negotiating Committee:

**SRS Children and Family Services RFP Team Composition**

Planner and SRS Procurement Liaison: Beth Evans

Region	Role	Family Preservation	Foster Care	Cost Proposals
CFS CO	Lead	Jane Meschberger	Brian Dempsey	Dan Lewien
CFS	Scribe / Recorder	Suzi Green	Mary Cole	Dave Beukelman
JJA	Reviewer	None	None	Keith Bradshaw
ISD	Reviewer	None	Peg Spencer, RS	Phil Anderson
SRS MH	Reviewer	Stacy Chamberlain	Krista Morris	
SRS CSS	Reviewer	None	Frank Stahl	
CFS PI	Reviewer	Kit Pittier	Deanne Dinkel	
KC Metro	Reviewer	Chrysy Khatib	Jennifer Thomas	None from SRS
NER	Reviewer	Angie Suther	Ruth Santner	Regional offices or other SRS Divisions
SCR	Reviewer	Diane Carver	Tammy Liles-Robinson	
SER	Reviewer	Joan Newman	Brenda Blackard	
West	Reviewer	Stacey Tweedy	Denise Voss	
Wichita	Reviewer	Gloria Markuly	Karen Wahlmeier	

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September 29 to October 24, 2008:

Review teams meet for evaluation of respective technical or cost proposals. If teams have questions of bidders, those questions are prepared and sent to the DoA Procurement Officer as conduit to bidders. The Procurement Officer receives answers from bidders and forwards answers to SRS. Evaluative Summaries are prepared for the PNC.

October 31, to November 7, 2008:

Negotiations occurred between bidders, PNC members, and Deputy Directors of Children and Family Services.

November 25, 2008: Award Decision:

PNC sends recommendations for contract awards to SRS Operations Division for transmittal to the DoA Procurement Officer. A Procurement Negotiating Committee, convened pursuant to K.S.A. 75-37,102, conducts extensive negotiations and determines which proposal and bidder will best serve the interests of the state.

December 3, 2008:

Notices of Intent to Award are sent to vendors by the DoA Procurement Officer and all bidders are notified.

December 3 to 25, 2008:

Contract documents are executed by SRS and successful vendors.

July 1, 2009:

Contract term begins. The terms of the contract are July 1, 2009 through June 30, 2013 with the option of two (2) additional two (2) year renewal periods.

### Vendor Qualifications

Vendor Qualifications are set out in the Request for Proposals at Sections 2 and 3. Primary qualifications are that the vendor must be licensed to do business in Kansas; be accredited with Council on Accreditation, The Joint Commission (TJC) or Council of Accreditation of Rehabilitation Facilities (CARF); and have a minimum of three (3) years continuous active participation in the applicable industry of child welfare social services providing services comparable in size and complexity to those specified in the proposal.

There are no substantive differences in vendor qualifications except those linked directly to the difference in the services required by each contract. Detailed information is set forth below for each contract beginning with Family Preservation.

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3. **Timeline for Implementing Services:** A timeline for implementing services must be submitted with the bid.
4. **Methodology:** Bidders shall submit with the bid, a detailed explanation of the methodology for providing services described in Section 4.
5. **References:** Provide three (3) references. References should include experience working in related service area(s). References shall show firm name, contact person, address, and phone number. Vendor employees and the buying agency shall not be shown as references.
6. **Experience:** All bidders shall have a minimum of three (3) years continuous active participation in the applicable industry providing services comparable in size and complexity to those specified herein. Bidders may be required to furnish information supporting the capacity to comply with conditions to fulfill the contract if receiving an award of contract. Such information may include, but not be limited to, a list of similar size and type projects the Bidder has completed.
7. **Insurance:** The bidder shall include a statement that they have or will obtain the insurance listed in 3.14.
8. **Staff Qualifications:** The Contractor shall warrant that all persons assigned by it to the performance of this contract shall be employees of the Contractor (or specified Subcontractor) and shall be fully qualified to perform the work required. The Contractor shall include a similar provision in any contract with any Subcontractor selected to perform work under this contract. Failure of the Contractor or Subcontractor to provide qualified staffing at the level required by the proposal specifications may result in termination of this contract and/or damages. The minimum staff qualifications necessary to protect children while maintaining the contractor's ability to retain and recruit qualified staff include as follows:
  - A. All staff providing direct services to consumers shall have annual criminal record checks through the Kansas Bureau of Investigation and shall be cleared annually through the Kansas Child Abuse and Neglect Central Registry.
  - B. Every staff member in a professional position, including case managers and social workers, shall have a Bachelors Degree in the human services field from an accredited university and shall be licensed by the Behavioral Sciences Regulatory Board to practice in Kansas (i.e. Social Worker, Marriage and Family Therapist, Psychologist, Professional Counselor and/or Alcohol and Drug Counselor).
  - C. All supervisors must have a Bachelors Degree in the human service field, and have at least three years experience in children and family services.

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## E. Automobile Liability Coverage for Client Transportation

Contract award may be contingent upon proof of insurance.

11. **Industry Standards:** If not otherwise provided, materials or work called for in this contract shall be furnished and performed in accordance with best established practice and standards recognized by the contracted industry and comply with all codes and regulations which shall apply.
12. **Financial Requirements:** Revenues and expenses applicable to the contracts must be tracked separately from the organization's other business operations. Additionally, if an organization is awarded contracts for more than one region, revenues and expenses must be tracked separately for each region. Contractors shall submit a copy of their annual certified public audit of the organization within 180 days of the organization's fiscal year end. These audit reports shall include separate audited income statements for each contract. This audit report shall be sent to:

SRS Office of Audit and Consulting Services

DSOB 8th Floor, 915 SW Harrison

Topeka, Kansas 66612

Contractors shall comply with all applicable requirements in SRS Recipient Monitoring Policy, current and as revised, posted at <http://www.srskansas.org/publications.htm>.

Contractors' staff shall participate in the CWCBS Contractor Random Moment Time Study (RMTS). Training will be provided by SRS on an as-needed basis. Contractors are required to provide training to existing and new staff before the individuals can participate in RMTS sampling. Contractors shall make reasonable and sufficient efforts to submit accurate and timely employee roster updates, ensure staff complete all RMTS samples accurately and timely (including validation requests), and ensure that coordinators are responsive to requests from the SRS RMTS manager. SRS will measure the following standards of compliance to determine whether contractors are making adequate efforts:

- A. Roster Updates for the next calendar quarter submitted by the 15th day of the last month of each calendar quarter.
- B. 95% of initial samples, excluding non-strikes (activity 9970 Leave (vacation), activity 9980 Not Available (not scheduled to work), activity 9990 Invalid (vacant position), and No Responses), are completed within two business days.
- C. No more than one (1) No Response per contractor per calendar quarter.
- D. No more than one (1) invalid combination per contractor per calendar quarter.



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descriptions for those filling professional, management, and paraprofessional positions.

E. For services covered by Medicaid, the contractor as a medical provider, will be required to participate in the Kansas Medical Assistance Program (KMAP) and to comply with applicable requirements for participation as set forth in federal and state statutes and regulations, and Program policies, within the authorities of such statutes and regulations, of the Kansas Department of Social and Rehabilitation Services, Division of Disability and Behavioral Health Services as published in the KMAP Provider Manuals and Bulletins. The provider shall agree to comply with all state and federal laws and regulations applicable to services delivered and professional activities.

The KMAP Provider Manual, Provider Manual revisions and Provider Bulletins represent official Medicaid program limitations and requirements that providers must follow to receive payment and to continue participation in the Medicaid program under K.A.R. 30-59(c)(1). The Manual is in addition to the requirements of the Medicaid Provider Agreement and any other contracts such as managed care contracts.

3. **Experience:** All bidders shall have a minimum of three (3) years continuous active participation in the applicable industry, providing services comparable in size and complexity to those specified herein. Bidders may be required to furnish information supporting the capability to comply with conditions and fulfill the contract if receiving an award of contract. Such information may include, but not be limited to, a list of similar size and type projects the Bidder has completed.
4. **Insurance:** The bidder shall include a statement that they have or will obtain the insurance listed in Section 3.14.
5. **Staff Qualifications:** The Contractor shall warrant that all persons assigned by it to the performance of this contract shall be employees of the Contractor (or specified Subcontractor) and shall be fully qualified to perform the work required. The Contractor shall include a similar provision in any contract with any Subcontractor selected to perform work under this contract. Failure of the Contractor to provide qualified staffing at the level required by the proposal specifications may result in termination of this contract and/or damages. The minimum staff qualifications necessary to protect children while maintaining the contractor's ability to retain and recruit qualified staff include as follows:

- A. All staff providing direct services to consumers shall have annual criminal record checks through the Kansas Bureau of Investigation and be cleared annually through the Kansas Child Abuse and Neglect Central Registry.

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- a description of the plan to ensure Quality Assurance and Quality Improvement of the program by the contractor and subcontractors.
7. **Proof of Insurance:** Upon request, the Successful Vendor shall present affidavits of Insurance to the Division of Purchases for the following areas:
    - A. Worker's Compensation
    - B. Professional Liability
    - C. Public Liability
    - D. Property Damage
    - E. Automobile Liability Coverage for Client Transportation
    - F. General Liability for Foster ParentsContract award may be contingent upon proof of insurance.

8. **Conflict of Interest:** The Contractor shall not knowingly employ, during the period of this contract or any extensions to it, any professional personnel who are also in the employ of the State and who are providing services involving this contract or services similar in nature to the scope of this contract to the State. Furthermore, the Contractor shall not knowingly employ, during the period of this contract or any extensions to it, any state employee who has participated in the making of this contract until at least two years after his/her termination of employment with the State.

9. **Industry Standards:** If not otherwise provided, materials or work called for in this contract shall be furnished and performed in accordance with best established practice and standards recognized by the contracted industry and comply with all codes and regulations which shall apply.

10. **Financial Requirements:** Revenues and expenses applicable to the contracts must be tracked separately from the organization's other business operations. Additionally, if an organization is awarded contracts for more than one region, revenues and expenses must be tracked separately for each region. Contractors shall submit a copy of their annual certified public audit of the organization within 180 days of the organization's fiscal year end. These audit reports shall include separate audited income statements for each contract. This audit report shall be sent to:

SRS Office of Audit and Consulting Services  
DSOB 8th Floor, 915 SW Harrison  
Topeka, Kansas 66612

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- C. No more than one (1) No Response per contractor per calendar quarter
- D. No more than one (1) invalid combination per contractor per calendar quarter.
- E. All RMTS responses, validations, and requests for information for each calendar quarter submitted to SRS by the 10th of the month following the end of each calendar quarter. If a contractor fails to meet these criteria for any two consecutive quarters, SRS may withhold ten percent of future monthly base payments. Withholding will cease and withheld funds will be paid when successful progress addressing deficiencies has been made. A key point of consideration in determining whether a contractor is making reasonable and sufficient efforts is the risk the contractor poses to the reliability and statistical validity to the entire quarterly sample. It is SRS's intent to work with contractors to resolve issues and to ensure that all contractors successfully meet RMTS obligations. Contractors shall report all services provided under their contract through the submission of encounter data. See Vendor Information File for details. Encounters are used to claim federal funds. Therefore, it is imperative that encounters are reported timely and accurately with supporting documentation available for audit purposes.

SRS will measure the following standards of compliance to determine whether contractors are making adequate efforts:

- A. At the end of each month, 98% of encounters submitted within last 2 years are marked as "accepted" in SCRIPTS.
- B. At the end of each month, 100% of placement encounters for the previous month will be receipted into SCRIPTS as either accepted or rejected.
- C. At the end of each month, 100% of clients open on the last day of the previous month will have a Worker/Child Visit Encounter submitted.

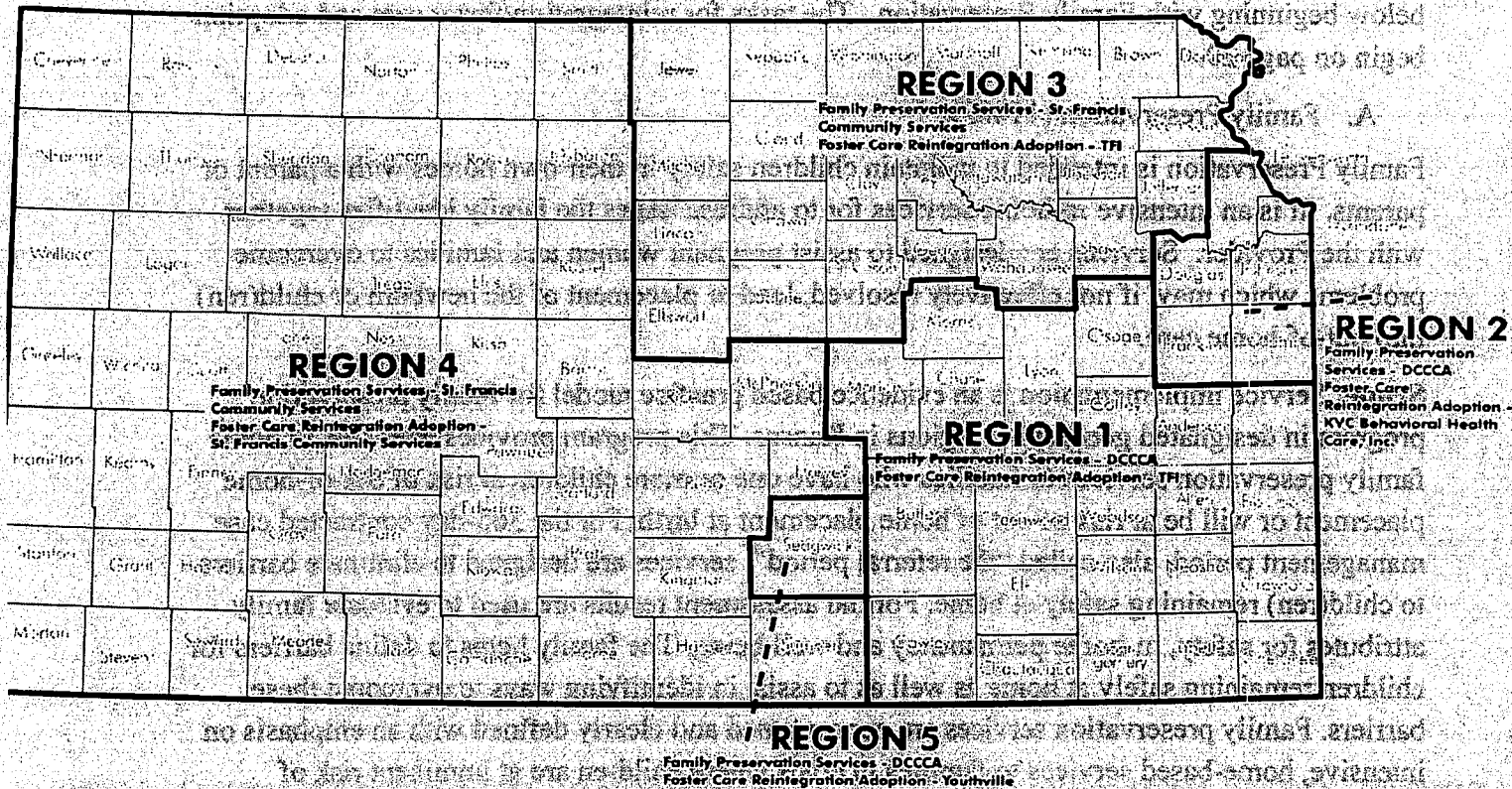
If a contractor fails to meet these criteria for any two consecutive quarters, SRS may withhold ten percent of future monthly base payments. Withholding will cease and withheld funds will be paid when successful progress addressing deficiencies has been made. A key point of consideration in determining whether a contractor is making reasonable and sufficient efforts is the risk the contractor poses to the completeness of the federal claim for Title IV-E funds. It is SRS's intent to work with contractors to resolve issues and to ensure that all contractors successfully meet these encounter obligations.



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## Kansas Child Welfare Contract Regions



### SFY 2010 Contract Award Information

Contract Region	Family Preservation Services	Foster Care Reintegration Adoption
Region 1	DCCCA, Inc.	TFI Family Services, Inc.
Region 2	DCCCA, Inc.	KYC Behavioral Health Care, Inc.
Region 3	St. Francis Community Services	TFI Family Services, Inc.
Region 4	St. Francis Community Services	St. Francis Community Services
Region 5	DCCCA, Inc.	Youthville

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## • Family crisis intervention

For pregnant women who are abusing substances, these services also include addressing substance abuse treatment and related aftercare, prenatal health care, vocational assistance, and case management. Assistance in removing barriers to treatment is also provided including family support, mental health services, domestic violence protection, child care, transportation, housing, and other supportive services.

## Family Preservation Population Served

Referral criteria include a family with a pregnant woman who abuses alcohol and/or drugs or a family in crisis that has child(ren) at risk of removal. When children are at risk, there must be a parent/caregiver who is available to protect the child(ren) and who is willing and able to participate in the services. Family preservation services are initiated based on SRS assessments that the pregnant woman is abusing alcohol and/or drugs or that children are at risk of removal and the family is willing to engage in services.

Following are examples of potential referrals:

- A. Families with women using alcohol and/or drugs during pregnancy.
- B. Families with child(ren) who are alleged or substantiated as victims of abuse or neglect.
- C. Families with child(ren) who are truant due to failure to attend school along with other non-abuse/neglect issues.
- D. Families with parents and/or child(ren) who use or abuse substances.
- E. Families with child(ren) in police protective custody and placed in temporary emergency shelters.
- F. Families with mental/emotional illness when the issues have been stabilized and one adult in the household is able to participate.

Families who have at least one child in out-of-home placement through a regional Foster Care/Reintegration provider are not eligible for family preservation services. Family preservation services are terminated when the Court removes one or more children from the home.

If a child in the family is adjudicated a juvenile offender, juvenile offender services to that child are the responsibility of the Juvenile Justice Authority (JJA); however, if there are other children in the home who meet the criteria for family preservation services, a referral can be made or the

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and Families website at [http://www.acf.hhs.gov/programs/cb/laws\\_policies/index.htm#laws](http://www.acf.hhs.gov/programs/cb/laws_policies/index.htm#laws)

(14) Medicaid Provider Manuals and subsequent bulletins

(15) SRS Provider Agreement Manual

(16) Federal Title IV Prohibition Against National Origin Discrimination as it Affects Persons with Limited English Proficiency LEP

(17) The Contractor is required to ensure written information is available in the prevalent non-English languages of the service area.

D. Establish and maintain policy and procedure manuals which detail job functions and service delivery processes within the provider agency which operationalizes an evidence-based practice model.

E. Maintain a system for responding timely to consumer complaints including informing SRS as to the resolution of these complaints. Response to SRS is required within five (5) working days from the complaint date. Complaints from legislators may require a response in less than five days. If the concern is a Critical Incident as defined by agency policy, a response may be required by the Contractor the same day or next business day from the event.

F. Refrain from releasing reports, medical records, or client information to outside sources without written consent from SRS and the family. Information shall be shared freely between the contractor and SRS, and, when appropriate, between the Family Preservation contractor and the Foster Care/Reintegration contractor. The contractor shall make available all client records and information to SRS upon request, whether written or verbal.

G. Begin case management responsibility for children and family along with contractual obligations on the day of referral and end this responsibility 365 days after the referral date.

H. Update and complete the case file and send it to the SRS regional office within five (5) working days after the contractor's 365-day period of responsibility for family case management has expired, or after the case has been referred to the reintegration contractor.

I. Provide for the safety, stability and well being of children and families during the referral period.

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a child in the family is in the Secretary's custody but remains in home, when the family moves, a new referral is made to the contractor where court jurisdiction for the child's case is located. The prior referral is closed.

V. Assure that families are involved with their agency at a policy-making level, and will hold at least one stakeholder feedback meeting per year to solicit input and feedback from families and youth.

W. Participate in stakeholder, policy, program improvement and other regional and statewide events to support and promote child welfare issues.

X. Submit quarterly management reports.

Y. Assure quality enhancement programs are comprehensive and on-going.

Z. Participate in statewide or regional stakeholder, policy, program improvement or advisory groups including events to promote and support child welfare issues.

AA. Convene at least one meeting annually for feedback from families, youth and other stakeholders

BB. Participate in the CFS Case Review program and in-case reading.

## Program requirements.

The following are minimum program requirements. The contractor shall:

A. Accept all referrals in the designated geographic region.

B. Assure agency staff availability to families 24 hours a day, including weekends and holidays. Respond to a crisis within one hour and document response in the case file.

C. Acknowledge receipt of referral to SRS within 24 hours of receipt.

D. Contact the family within 24 hours of referral to schedule an in-person meeting with the family. Meet in person with the family within two business days of referral. The contractor shall request assistance from the SRS social worker, if there is difficulty in beginning the engagement process.

E. Employ the initial team meeting with the family to develop a safety plan, identify immediate supports for the family and each family member, and identify roles and responsibilities for all team members.

F. Plan for engagement and initial team meetings that may differ for women addressing substance use during pregnancy from other families receiving family preservation



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Examples of hard goods are: exterminator services, head lice treatment supplies, clothes, utilities, rent and deposits, bus passes, car repairs, refrigerators, beds, etc. Hard goods do not include services listed in the Child Welfare Handbook of Services

(<http://www.srskansas.org/CFS/CWHS/childwelfarehandbooksvcs.html>).

V. Address referrals to Family Preservation for families whose children are not in custody and for families whose children are in the Secretary's custody but remain in-home.

(1) For families where one or more children remain in-home but are in the custody of the Secretary, the following is required:

(a) Each child in custody is required to have a child case plan and a family case plan. The child case plans, which are separate and distinct from the Family Preservation case plan, must be completed within 30 days after custody is established and at least every 180 days thereafter.

(b) Monthly face-to-face contact between the identified case plan worker and each child in custody.

(c) After the case is closed to intensive family preservation services, the contractor must keep these cases open for custody supervision, keep the case plan up-to-date, submit timely court reports, continue to testify in court, and assist the family in following court orders during the remainder of the 365 days.

(d) The visits must be well planned and focused on the child's safety and well-being, as well as stability with in-home living arrangements. Visits must address issues such as the relationship and communication between the caseworker and the child; case planning; the physical, mental health, and educational needs of the child; the child's relationship with parents, siblings, other relatives; and the family preservation provider; as well as service delivery, goal attainment and progress of the child.

(2) For families who do not have any children in the Secretary's custody, individual child case plans are not required. A family case plan that addresses the needs of each family member is sufficient. When the case is closed to intensive family preservation services, monthly supervised family activity is required.

W. Coordinate with medical providers to assure medical needs are met.

X. Continue to access medical services via the Medicaid card for children qualifying for Medicaid.

Y. Provide for periodic urine analysis when working with women who used drugs and/or alcohol during pregnancy.

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able to return home, the Contractor is responsible for achieving an alternative permanency for the child. The child may have an identified family such as the resource family, relative, or kin who is willing to become their legal family, either through adoption or permanent custodianship. In these instances the Contractor is expected to work with the child and family to achieve permanency and provide the pre-placement, and post-placement services.

When the child has no identified family resource, the Contractor shall conduct a child specific recruitment effort and register the child on the adoption exchange to maximize the child's opportunity for permanency. In these instances, The Adoption Exchange is accessed to seek possible matches for children who need adoptive resources. The Adoption Exchange is the website that lists all children who are available for adoption and do not have an identified family to adopt them.

The Contractor engages Other Planned Permanent Living Arrangements for youth for whom another permanency is not currently available, and the contractor provides services to help the youth attain skills to successfully achieve self-sufficiency.

### B. Service Delivery consistent with family centered practice principles. Family Centered Practices include:

- (1) Engaging families in service design
- (2) Treating families with respect
- (3) Respecting families' privacy
- (4) Involving immediate, extended, and kin family members as active partners in case planning
- (5) Providing services in the most family-like setting possible
- (6) Linking families to community-based, diverse, and comprehensive supports and services
- (7) Strengthening the capacity of families to function independently.

### C. Relationships with child welfare community partners:

- (1) Develop working local partnership plans with community organizations such as community mental health centers (CMHCs), community developmental disability organizations (CDDOs), and substance abuse treatment providers.
- (2) Collaborate with the community stakeholders, including courts and other contractors, to reflect professional relationships.
- (3) Participate in community systems of care development and have working partnerships with the local Juvenile Corrections Advisory Boards, education, courts, CASA, Head Start,



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## (2) Expectations for Child Placement and Sharing of Foster Homes Between Contractors

(a) Contractors are expected to share homes.

(b) Affiliate agreements shall be negotiated with other CPA's if a contractor anticipates using

their foster families for placements.

(c) Contractors will have access to KDHE's (CLARIS) database of existing licensed and approved family foster homes and facilities.

## (3) Expectations Regarding the Work of Foster families:

Foster families shall work closely with the birth family as a mentor, support the reunification process through consistent and frequent visitation, and help the child foster relationships with their birth family.

## Services to be Provided by the Contractor, Administrative Requirements:

A. Accept all referrals by SRS for those children who are placed in the custody of the Secretary of SRS for out-of-home placement.

B. Assign a program director to this contract who will serve as the liaison to SRS on all program and contractual matters.

C. Adhere to all policies, rules, administrative regulations, and statutes which are applicable to providing foster care/ out of home placement, and child welfare services for children and families under this contract, including:

(1) Kansas Statutes and Administrative Rules and Regulations governing child placing agencies, group boarding homes and residential centers, family foster homes, and daycare homes and centers. (KSA 65-501 through 65-531, KAR 28-4-800 through 28-4-835 and KAR 28-4-170 through 179).

(2) Kansas Code for Care of Children (KSA 38-2200 et. seq.).

(3) Kansas Juvenile Offenders Code (KSA 38-2300 et. seq.).

(4) Interstate Compact on the Placement of Children/Juveniles (ICPC/ICJ) (KSA 38-1201 et seq. and K.S.A. 38-101 et seq. or K.S.A. 38-1008 et seq.).

(5) Interstate Compact on Adoption and Medical Assistance (ICAMA).

(6) The Indian Child Welfare Act (ICWA) (25 USC 1901 et seq.).

(7) Title IV-E of the Social Security Act.

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- (9) Provide accessible staff to the child, family and SRS 24 hours per day and provide this contact information to the family and SRS.
- (10) Respond to family crisis situations after reintegration within one hour and document this response in the child's case file.
- (11) Report critical incidents verbally to SRS, per policy.
- (12) Maintain an annual photograph of the child in the case file.
- (13) Initiate a Lifebook at the time out-of-home placement begins and maintain the Lifebook throughout the child's out-of-home placement. A Lifebook is a scrapbook which contains pictures and other personal information that tells the child's life story.
- (14) Develop an individualized recruitment plan for children who have the goal of adoption and no identified resource for adoption.
- (15) Register the child's information on the Adoption Exchange through the Adoption Exchange Contractor for recruitment of an adoptive family, if there is no identified resource and the case plan goal is adoption.
- (16) Complete exit interviews with youth leaving the Secretary's custody, who have not achieved a permanency goal of adoption, permanent custodianship, or reunification.
- (17) Cooperate with collection and submission of data elements and surveys of youth receiving Independent Living Services, pursuant to federal requirements.
- (18) Maintain foster care records for 6 years (per HIPAA regulations) and the child is at least two years past the age of majority.
- (19) Release client records/progress reports to SRS within five (5) working days of request.
- (20) Maintain case file with historical and current assessment information, services provided, and the progress toward meeting goals and outcomes.
- (21) Organize the case file per policy.
- (22) Cooperate with Kansas Legal Services (KLS) in obtaining Supplemental Security Income (SSI) eligibility for children in the custody of the Secretary.
- (23) Cooperate with the Child Support Enforcement (CSE) in locating absent parent and determining parental payment obligation.
- (24) Consult with SRS about making a referral to Kansas Guardianship Program for appointment of a guardian/conservator, when youth are not likely to be mentally capable of governing their own financial or medical welfare as an adult.
- (25) Maintain contact with and submit all reports to the court pursuant to local court rules, and liaison with court, guardian ad litem and County/District Attorney.



  
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Program Requirements - The Contractor shall assure that the following services are provided and documented.

**A. The Intake Process for Reintegration/Foster Care/Adoption**

- (1) Maintain a central point for referrals.
- (2) Accept all children/youth referred by SRS.
- (3) Assume custodial responsibility for the child within four hours of SRS referral.
- (4) Transport the referred child to the placement. If it is not reasonable for the child to be transported by the contractor immediately (e.g., the child is in school and there is no reason to disrupt the school day), the Contractor shall work with SRS regarding coordination of transportation times for the child.
- (5) Send Acknowledgement of Referral to SRS within 48 hours of referral.
- (6) Operate an effective intake model that assures:
  - (a) Collection of referral information from SRS.
  - (b) Contact with SRS at time of referral, if clarification is needed.
  - (c) Review of child and family information using the Kansas Initiatives for Decision Support (KIDS) system.
  - (d) Contact with SRS regarding child and family needs, and kin and community connections.
  - (e) Access to emergency care, if an emergency placement is required.

**B. Child Placement Practices**

- (1) Children and youth placed in the custody of the Secretary need placements outside their home that support and help facilitate timely permanency, connections to family and community, and stability in the least-restrictive environment. Siblings shall be placed together whenever possible. Children must be placed with relatives or in homes that are licensed or approved as meeting licensing standards.

**(a) Relative Placements:**

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(3) The contractor shall inform foster families of their right to submit a report to the court every six (6) months.

(4) The Contractor shall utilize and comply with the Interstate Compact on the Placement of Children (ICPC) for out of state placements. Contractors shall assign one (1) ICPC Liaison per Contract Region who will work with CFS Central Office ICPC staff.

## C. The Initial Team Meeting With the Family:

### (1) Planning for the Initial Team Meeting:

(a) The assigned case manager shall contact the family the same business day of the referral to introduce themselves, inform the family of who to contact in an emergency, and inform the family where the child(ren) is placed, unless it would compromise the child(ren)'s safety.

(b) The initial team meeting shall occur no later than 2 business days from the date of referral. At a minimum, SRS, the Contractor, the child (age appropriate), the birth parents and/or the primary caregiver and the foster family should be in attendance at this meeting. The contractor shall encourage both maternal and paternal participation in the meeting, and the birth family shall be offered the opportunity to invite other participants to the meeting. If it is not in the best interest for all parties to attend, the basis shall be documented in the case file.

(c) The planning for the location of the meeting and participants shall occur in consultation/ coordination with the birth family during the initial call. The meeting shall occur where the family desires, unless participant safety would be compromised.

### (2) The purpose of the initial team meeting is to:

(a) Identify relatives, kin, or a foster family home that can meet the child's needs until he/she can safely return to their family of removal.

(b) Plan for contact between the child and parents, worker and child, and worker and parents prior to the case planning meeting.

(c) Identify supports with the family

(d) Clarify roles and responsibilities of all team members

(e) Discuss the reasons for out-of-home placement, expectations of SRS, court orders, consequences of actions, and timelines for decisions about child permanence.



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professionals, and agencies with whom the child and family is already involved. For all health care domains, Child Welfare staff shall:

- a) Identify all health care service providers.
- b) Complete and have parents sign any releases of information related to current health care providers.
- c) Obtain private health insurance information as Medicaid is the payer of last resort.

3) The Contractor shall assure all required health screenings, assessments and referrals are completed:

- a) Physical Health care needs including dental, vision, hearing, nutrition, pharmacological.
- b) Mental Health needs of child and family shall be assessed through the use of a research supported instrument. State resources include the Socio-Emotional screening tool for children birth to 5 years (Appendix 3L in the PPM) and Child Welfare Mental Health Referral Guide (Appendix 3J in the PPM). If further assessment of Mental Health is needed, a referral shall be made to the PAHP.
- c) Developmental Disability needs of the child and family shall be assessed through the use of a research supported instrument. State resources include the Child Welfare Mental Retardation/Developmental Disability Screening Tool (Appendix 3I in the PPM). If further assessment of mental retardation/developmental disability is needed, a referral shall be made to Community Developmental Disability Organization (CDDO).
- d) Substance Abuse needs of the child and/or family. The contractor shall use a standardized screening tool to determine the need for further assessment of substance abuse/addiction issues and to decide if referrals to the PIHP shall be necessary.

4) Ensure all health care-related information collected during the assessment period is complete and utilized in the Family/Child Case Planning Conference.

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parental rights termination (PRT), the Contractor shall still seek to find ways for the child to stay connected to extended family, neighbors, or family friends that are important to the child.

(3) **Ongoing Child/Family/Child Case Planning Conferences:** Contractors shall assure the ongoing case planning process is timely and relevant to the family. A formal case plan review shall be conducted at least every 170 days and documentation sent to SRS within three (3) calendar days of completion. More frequent case planning may be needed to meet the needs of the family. The team meetings can be called by any member of the team. Court orders shall be followed, but otherwise modification is based on the assessment of the team.

(4) **Life Skills for Children in Out-of-Home Placement:**

(a) Life skills training shall be provided to each child age eight (8) years and older who is in SRS custody. Foster families shall support and integrate daily living skills into activities with the child/youth. Skill training shall be provided according to the child/youth's strengths & needs, as determined by the Ansell-Casey Life Skill Assessment (ACLSA). The contractor shall provide child/youth training in the appropriate competencies identified in the following (life) domains:

- 1) Daily living skills
- 2) Housing, Community Resources, and Legal Issues
- 3) Money Management
- 4) Self-Care
- 5) Work & Study Skills
- 6) Personal Development

(b) Contractors shall use the Life Skills Guidebook to guide life skills planning and instruction.

(c) If identified skills are needed, the child/youth's case plan will reflect specific services to address the child/youth's needs in this area. All foster families (inclusive of birth parents) should have knowledge and training to reinforce or teach methods to address these needs.

(5) **Needs of Birth Parents:**

(a) If it is determined that adults in the home require individualized services such as mental health, substance abuse, vocational rehabilitation, services for individuals with disabilities, etc., the Contractor shall assist the adults in obtaining these services. A parent's health insurance or Medicaid, if parent is Medicaid eligible, may be a payment

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**F. Child Permanency:**

**(1) Reintegration:**

The Contractor shall assure that children are safely reunified as soon as possible. There shall be resources in place so that families are supported in working toward their child(ren)'s return home and for children to safely remain in the home.

**(2) Adoption:**

When efforts at reintegration are unsuccessful, SRS and its Contractors have an obligation to assure that children are afforded timely permanence through adoption. Youth with a case plan goal of adoption who are in the custody of both the Commissioner of Juvenile Justice and the Secretary will be served primarily by JJA, but services necessary to achieve permanency through adoption shall be provided under this contract.

**(a) Parental Rights Termination:**

1) When the child is in the Secretary's custody and placed out of the home for 12 continuous months, or 15 of the last 22 months, consideration shall be given to the termination of parental rights. Unless there are compelling reasons to the contrary, it is expected that the contract agency shall have already recommended termination of parental rights to SRS and the court.

2) The decision to terminate parental rights, either through court action or relinquishment, is made by the Case Planning Team, based on documented evidence that the child should not be returned to the home of the parent(s) and that adoption would be in the best interest of the child. The Contractor shall work with the birth parents and the court system to address issues regarding the process of termination and adoption.

**(b) Adoption Process:**

1) When parental rights are terminated or relinquished and the child's case plan goal is adoption, the contractor shall prepare the child, prepare the adoptive family, and complete all the processes and paperwork required for adoption as outlined in PPM. SRS expects that siblings will be adopted together.

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to terminate parental rights, or adoption is not a viable option for the child. The parents, if their rights have not been terminated, must be in agreement with the plan or the court must find them to be unfit.

(c) It is the contractor's responsibility to prepare the prospective permanent custodian for the responsibility associated with custodianship and to assess the family's capabilities of parenting a specific child. The contractor shall:

- 1) Complete a written family assessment,
- 2) Complete Kansas Child Abuse and Neglect Central Registry and KBI clearances,
- 3) Provide follow up services to the family, and
- 4) Provide any reports the court requests.

(d) The contract agency may request the family participate in the PS-MAPP or DT, if it is deemed such participation would be valuable to the family.

(e) An array of services shall be provided to the family on an as-needed basis to assure the success of the placement.

**(4) Other Planned Permanency Living Arrangement (OPPLA)**

Other Planned Permanency Living Arrangement is a permanency option only when the agency determines it has a "compelling reason" not to request a termination petition for a child who has been in care "15 of the last 22 months" and there is a "compelling reason" why reintegration, adoption, or permanent custodianship is not being selected as a permanency option. Examples of compelling reasons cited in the 45 CFR 1355.20 or 42-USC 675(5)(c) include:

- (a) An older teen who specifically requests that emancipation be established as his/her permanency plan.
- (b) The case of a parent and child who have a significant bond, but the parent is unable to care for the child because of an emotional or physical disability and the child's foster parents have committed to raising him/her to the age of majority, and to facilitate visitation with the disabled parent.
- (c) Or the Tribe has identified other planned permanency living arrangement for the child.



  
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Section 2

**Please provide the history of the process since privatization, i.e., how it has changed over time - including information on the recent rebid.**

1986 Legislative Division of Post Audit report critical of SRS handling of child welfare cases.

1989 Sheila A. v. Joan Finney, class action lawsuit, was filed in Shawnee County District Court by local guardian ad litem. Children's Rights Project of the American Civil Liberties Union filed an amended petition and joined Ms. Netherton in 1990.

1990 Beginning in October, Legislative Division of Post Audit reported in four installments on the Kansas Foster Care Program. The final installment was submitted in June, 1991 and includes an earlier assessment of child protective services. The audit abstract provides, "This summary report discusses the need to place greater emphasis on preventing children from coming into the overburdened foster care system."

1993 Settlement agreement for Sheila A. originally received court approval. The agreement was extended twice. The 33-page settlement agreement contained 153 requirements the Kansas Department of Social and Rehabilitation Services (SRS) had to adhere to within certain deadlines and performance standards. Implementation of the settlement agreement was monitored by Legislative Division of Post Audit resulting in reports and media attention emphasizing the continued lack of perfection.

1996 Public Private Partnership of Child Welfare contracts begins with measurable outcomes for safety, permanency, and well-being.

- July - Family preservation services were privatized. Family preservation is available 24/7 in all 105 counties rather than the 44 counties prior to contracts.
- October - Adoption services are privatized.
- November - Kansas Public Employees union files suit to stop privatization of foster care - case dismissed.

1997

- February - Foster care services are privatized. Payment Structure in this initial round of contracts was a single case rate over the life of a case.
- April - A task force is formed by Judge James Buchele, the Shawnee County District Court Judge originally assigned the case. The goal was to bring SRS into substantial compliance with the settlement agreement within a reasonable time.
- July - Juvenile Justice Programs transferred from SRS to a newly formed

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# KANSAS

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

## Performance Then and Now

Indicator	1997	1999	2003	2006	2009
The number of children entering care	N/A	3,342	2,642	3,048	3,040
Number of Children in Residential Placement (snapshot= last day of the year)	1064	606	535	421	421
Percentage of Children in Residential Placement	67%	N/A	12%	9%	8%
Number of Adoptions	352	418	486	501	812
Average Number of Months In Custody	N/A	23	26	19	18

### FY2010 General Child Welfare Contract Information

- July 1, 2009 (FY2010) is the effective date of contracts
- Catchment regions for the contracts remain the same (5)
- Contract duration term is 4 years with the possibility of 2, 2-year renewals.
- January to June 2009 - transition activities in communities will occur as needed
- Each region develops a transition plan in their community for the contracts

### New Safety, Permanency and Well-being Attributes for 2010

- Family Preservation Services scope of program delivery is families with children in their home. Families with children removed from the home into foster care are served by a foster care case management contractor.
- Agency services for pregnant women who use substances has been incorporated into the population eligible for family preservation services across all counties.
- Individualized adoption recruitment is streamlined for responsibility with a single foster care case management contractor.
- Kansas has a separate contract with Kansas Children's Service League to manage the statewide adoption exchange for outreach, marketing and media in adoption recruitment.
- Contract requirements are aligned with Federal Child and Family Services requirements and outcomes.
- Success indicators for wellbeing attributes such as educational achievement, placement with siblings and relative placement will be included in reports.

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# KANSAS

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

	Concurrent planning to be completed on every case.	Case planning teams determine if concurrent case planning is appropriate and applicable to circumstances of a child and family.
Outcomes	Did not address all federal Child and Family Service Review (CFSR) outcomes	Includes federal (DHHS) outcome data measures, an outcomes for placement in a family like setting (not new), and 6 new success indicators of stability in education and connection to relatives and positive adult role model.
Other activities	(Note: Contractors engaged these activities, however they were not specific requirements in the contract language)	<ul style="list-style-type: none"> <li>• Participate in policy advisory groups</li> <li>• Hold at least one forum annually to gain feedback from families and youth who receive services.</li> <li>• Participate in the iGRAD system for tracking youth educational credits and school transfers</li> <li>• Participate in the quality assurance and case review process related to agency performance improvement activities</li> <li>• Participate in the federal DHHS ACF Program Improvement Plan (PIP)</li> <li>• Participate in groups and events that promote child welfare such as Youth Advisory councils, National Adoption Month, etc.</li> </ul>
Payments	FY08 methodology is an administrative base payment with a per child payment each month.	No change
After Care	12 months from various milestones of permanency	No change
Catchment Areas	5 contract regions	No change

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# KANSAS

DEPARTMENT OF SOCIAL  
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## Section 3

**Response to Legislative Post Audit #08PA04.** Staff from Legislative Post Audit are asked to present on the audit entitled "Foster Care: Reviewing Selected Issues Related to State Contracts for Foster Care and Family Preservation Services" (#08PA04). Please respond to this report.

**Recommendation #1:** To help ensure that it secures services under the foster care and family preservation contracts at the best price for the State, while still treating contract bidders fairly, the Department of Social and Rehabilitation Services should do the following:

a. Continue to provide uniform information to all bidders regarding the nature and scope of the services to be provided under the contracts, the outcomes to be achieved, and the like.

**Agency Update:** To assure that the state secured the services needed for the best price available treating all bidders fairly, two RFPs were issued, one for Reintegration/Foster Care/Adoption Services (RFP #11484) and one for Family Preservation Services (RFP #11483). Substantial time and resources were put into the new RFPs to ensure that the services expected were detailed in the RFPs, that all available historic information the bidders needed to make a bid was available, that outcomes related to the contracts were specifically detailed in the RFPs, and that all questions asked were answered uniformly and accurately.

b. Provide written guidance to employees who will review and evaluate the bid proposals specifying how to evaluate and score various elements of each bidder's proposal for providing the services and achieving the outcomes required under the contract.

**Agency Update:** The agency identified key staff that were believed to have the knowledge and ability to secure the services being requested. These staff met regularly to discuss the process and strategies for securing the contracts. A technical review group and a cost review group were established to evaluate the proposals. The review teams were provided protocols that identified each requirement in the RFP and provided direction on how to score each proposal consistently. The scoring resulted in a numerical score that allowed an evaluation of the bids.

c. Document the rationale for choosing contractors for each region that SRS subsequently will negotiate prices with.

**Agency Update:** All proposals were reviewed using the criteria stated above. Based on the scores received by the technical review team and the cost review team, the proposals that scored the lowest and did not meet the qualifications were excluded from negotiations. The rationale was written in a document and is in the file. The file has detail on each aspect of the bid and a score on how well the bidder's proposal met the criteria.

d. Ensure that it allows itself sufficient time to fully assess whether the bidders' proposals are reasonable, financially feasible, and collectively in-line with SRS projections for such factors as case rates and caseloads, before proceeding with price negotiations with bidders.

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# KANSAS

DEPARTMENT OF SOCIAL SERVICES  
AND REHABILITATION SERVICES

**Section 4**

The annual expenditures from 2004 through 2009. Please include spending by region, by contract type and total. Please also include the cost per case and outcomes, both by contract and in the aggregate. Compensation incentives of contractors, if any. For example, are there extra payments for adoptions or placements, or, if the contract does not address this, is there anything in the contract that would preclude such incentives?

**Family Preservation**

The annual expenditures for the In-Home Family Preservation Contracts from the start of privatization in 1997 to the current year budgeted expenditures are in the table below. The table also includes the average monthly families served, the average monthly cost per family, and the percentage change for each between years.

**Family Preservation Annual Expenditures**

Fiscal Year	Avg. Annual					
	Annual Families	Percent Change	Cost per Family	Percent Change	Total Expenditures	Percent Change
1997	1,832	-	2,764	-	5,063,879	-
1998	2,452	33.8%	3,342	20.9%	8,195,387	61.8%
1999	2,849	16.2%	3,320	-0.7%	9,457,368	15.4%
2000	3,436	20.6%	3,546	6.8%	12,184,913	28.8%
2001	3,812	10.9%	3,406	-3.9%	12,985,298	6.6%
2002	2,731	-28.4%	3,865	13.5%	10,554,275	-18.7%
2003	2,570	-5.9%	3,647	-5.6%	9,372,952	-11.2%
2004	2,660	3.5%	3,844	5.4%	10,224,215	9.1%
2005	2,683	0.9%	4,005	4.2%	10,745,227	5.1%
2006	2,836	5.7%	3,766	-6.0%	10,681,476	-0.6%
2007	2,534	-10.6%	3,891	3.3%	9,859,536	-7.7%
2008	2,531	-0.1%	3,893	0.1%	9,853,893	-0.1%
2009	2,283	-9.8%	4,507	15.8%	10,290,295	4.4%
2010 Budget	2,736	19.8%	3,827	-15.1%	10,469,515	1.7%
2011 Budget	2,697	-1.4%	3,882	1.4%	10,469,515	0.0%

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# KANSAS

DEPARTMENT OF SOCIAL WELFARE  
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The following table shows the costs by contract region from FY 2001 through the FY 2011 budget. The amounts shown in the adjustments row are encumbrances and adjustments related to prior years or non-case rate payments.

Family Preservation In-Home Contract Payments						
By Contract Region						
FY 2001 To 2011 Budgeted						
Payments by Region						
	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Region 1	2,496,428	2,218,472	1,979,387	2,340,728	2,563,738	1,664,491
Region 2	1,997,462	1,775,062	1,443,960	1,592,583	1,475,815	2,233,766
Region 3	2,484,924	2,208,249	1,879,029	2,184,519	2,271,154	1,971,254
Region 4	2,328,894	2,148,462	1,989,452	2,078,575	2,294,188	2,504,625
Region 5	2,480,176	2,204,030	2,081,125	2,027,810	2,140,382	2,307,340
<b>Total</b>	<b>11,787,884</b>	<b>10,554,275</b>	<b>9,372,952</b>	<b>10,224,215</b>	<b>10,745,277</b>	<b>10,681,476</b>
Adjustments	1,197,415					
<b>Total Exp.</b>	<b>12,985,299</b>	<b>10,554,275</b>	<b>9,372,952</b>	<b>10,224,215</b>	<b>10,745,277</b>	<b>10,681,476</b>

	FY 2007	FY 2008	FY 2009	FY 2010 Bud	FY 2011 Bud
Region 1	1,604,036	1,500,571	1,512,480	1,826,777	1,826,777
Region 2	1,720,547	1,938,540	2,054,878	2,122,626	2,122,626
Region 3	1,620,372	1,755,020	1,640,251	1,857,480	1,857,480
Region 4	2,611,167	2,540,002	2,200,497	2,487,897	2,487,897
Region 5	2,303,414	2,087,121	1,687,603	2,174,735	2,174,735
<b>Total</b>	<b>9,859,536</b>	<b>9,821,254</b>	<b>9,095,709</b>	<b>10,469,515</b>	<b>10,469,515</b>
Adjustments		32,639	1,194,586		
<b>Total Exp.</b>	<b>9,859,536</b>	<b>9,853,893</b>	<b>10,290,295</b>	<b>10,469,515</b>	<b>10,469,515</b>

Region	FY 2007	FY 2008	FY 2009	FY 2010 Bud	FY 2011 Bud
Region 1	1,604,036	1,500,571	1,512,480	1,826,777	1,826,777
Region 2	1,720,547	1,938,540	2,054,878	2,122,626	2,122,626
Region 3	1,620,372	1,755,020	1,640,251	1,857,480	1,857,480
Region 4	2,611,167	2,540,002	2,200,497	2,487,897	2,487,897
Region 5	2,303,414	2,087,121	1,687,603	2,174,735	2,174,735
<b>Total</b>	<b>9,859,536</b>	<b>9,821,254</b>	<b>9,095,709</b>	<b>10,469,515</b>	<b>10,469,515</b>
Adjustments		32,639	1,194,586		
<b>Total Exp.</b>	<b>9,859,536</b>	<b>9,853,893</b>	<b>10,290,295</b>	<b>10,469,515</b>	<b>10,469,515</b>

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# KANSAS

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

## Explanation of Expenditures

The FY1997 contract expenditures represent only a portion of the year since foster care services were not privatized until February of 2007. Prior to this time the cases were managed by SRS workers and costs were part of regional salary and operating costs. The average monthly cost per child and the total annual expenditures from 1998 through 2001 vary greatly. These large changes are primarily the result of payments for services in prior years paid in subsequent years. In these first years of privatization it was unknown the actual cost of foster care and adjusting payments and loans to contractors were made which crossed fiscal years. During these four years, the average cost per child was \$1,752 and the annual expenditures averaged \$114.1 million which is a better representation of costs since expenditures were based on cash accounting and crossed fiscal years. In the last four years prior to the current FY 2010 contract, the changes in expenditures and cost per child were primarily related to changes in what costs Medicaid allowed to be billed for child welfare services, changes and additions to special placement types, and changes to contract payment methodologies.

## Rates

The foster care rates differ for each contract and are based on competitive bids per geographic region. Currently foster care payments are made retrospectively on the third business day following the month of service. A fixed base payment, independent of the caseload, is made each month to cover the contractor's fixed costs. There is also a per child rate paid each month based on the number of children in out-of-home placement on the last day of the previous month. This portion of the payment represents the contractor's variable costs. The FY 2010 base and variable rate for each contract are listed below. The estimated average cost per case by contractor based on current caseload is also included.

Contract Region	Contractor	Base Rate	Variable Rate	Estimated Avg. Mo. Cost Per Child
1	TFI	\$596,903	\$1,483	\$2,309
2	KVC	\$800,000	\$1,510	\$2,429
3	TFI	\$723,090	\$1,444	\$2,181
4	St. Francis	\$982,000	\$1,578	\$2,585
5	Youthville	\$914,433	\$1,499	\$2,489

The tables below show the OOH costs by contract region from SFY 2001 through the SFY 2011 budget. Over the years children in OOH placement were placed with three different types of OOH contractors, Reintegration/Foster Care OOH, Family Preservation OOH, and Adoption

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# KANSAS

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

**Foster Care Out-Of-Home Contract Payments**  
**By Contract Type And Contract Region**  
**FY 2001 To 2011 Budgeted (Page 2 of 2)**

**Reintegration/Foster Care OOH Contracts**

	FY 2007	FY 2008	FY 2009	FY 2010 Bud.	FY 2011 Bud.
Region 1	18,743,558	18,547,725	20,182,247	20,893,416	20,967,801
Region 2	27,459,522	25,877,702	26,868,175	26,496,246	25,982,803
Region 3	24,994,247	22,685,566	24,402,389	26,770,953	27,402,289
Region 4	25,162,225	26,233,316	26,723,707	30,893,192	32,048,204
Region 5	27,910,109	29,908,785	29,753,816	28,794,709	28,387,720
<b>Total</b>	<b>124,269,660</b>	<b>123,253,095</b>	<b>127,930,333</b>	<b>133,848,516</b>	<b>134,788,817</b>

**Family Preservation OOH Contracts**

	FY 2007	FY 2008	FY 2009	FY 2010 Bud.	FY 2011 Bud.
Region 1	2,852,589	3,874,203	4,605,360	-	-
Region 2	2,928,684	3,839,923	4,964,960	-	-
Region 3	2,981,354	4,144,005	4,752,239	-	-
Region 4	3,330,291	5,140,469	5,435,387	-	-
Region 5	4,483,459	6,016,415	7,179,339	-	-
<b>Total</b>	<b>16,576,379</b>	<b>23,015,015</b>	<b>26,937,284</b>	<b>-</b>	<b>-</b>

**Adoption OOH Contract**

	FY 2007	FY 2008	FY 2009	FY 2010 Bud.	FY 2011 Bud.
Statewide	-	-	-	-	-

**Total OOH Contract Costs**

	FY 2007	FY 2008	FY 2009	FY 2010 Bud.	FY 2011 Bud.
Region 1	21,596,147	22,421,929	24,787,607	20,893,416	20,967,801
Region 2	30,388,206	29,717,625	31,833,135	26,496,246	25,982,803
Region 3	27,975,601	26,829,571	29,154,628	26,770,953	27,402,289
Region 4	28,492,516	31,373,785	32,159,094	30,893,192	32,048,204
Region 5	32,393,569	35,925,200	36,933,155	28,794,709	28,387,720
Statewide	-	-	-	-	-
<b>Total</b>	<b>140,846,039</b>	<b>146,268,109</b>	<b>154,867,618</b>	<b>133,848,516</b>	<b>134,788,817</b>
<b>Adjustments</b>	<b>(3,376,969)</b>	<b>(3,646,016)</b>	<b>(4,339,322)</b>	<b>(2,733,165)</b>	<b>(2,999,200)</b>
<b>Total Exp.</b>	<b>137,469,070</b>	<b>142,622,094</b>	<b>150,528,296</b>	<b>131,115,351</b>	<b>131,789,617</b>

The amounts shown in the adjustment rows include expenditure reductions related to SSI collections, repayments, encumbrances, special developmental disability and secure care placement costs, and miscellaneous adjustments related to prior years or not part of the monthly rates.

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# KANSAS

DEPARTMENT OF SOCIAL  
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**Section 5**

**For performance measures, please include the baseline, what the stated goals are, and what the contractor(s) achieved.**

## Child Welfare Portrait

SFY 2009 (July 1, 2008-June 30, 2009)

Information in this Child Welfare Portrait provides an overall snapshot of characteristics and performance of Kansas' child welfare programs and national information as available.

General Information <sup>2</sup> :	Kansas	Nationwide
# of Children under 18	696,082	73,901,733
% of Children under 18	25.10%	24.50%
# of Children in Poverty	77,961 <sup>2</sup>	9,607,225
% of Children in Poverty	11.20%	13.00%
Removal Rate per 1000	4.5 (SFY09)	4.1
Average mos. in out of home placement	18.8	20.9
% of Children in a family like setting	91.9%	82.1%
% of Children placed with relatives	25.32%	25.7% (FFY06)

Race <sup>3</sup>	Children under 18 in Kansas		Children in Out of Home Placement	
	# children	%	# children	%
African American/Black	42,461	6%	1,107	22%
American Indian/ Native Alaskan	6,961	1%	62	1%
Asian	15,314	2%	25	1%
Caucasian	618,817	89%	3,763	75%
Hawaiian/Pacific Islander	696	0%	8	0%
Unable to Determine	11,833	2%	22	0%
Totals	696,082	100%	4,987	100%

<sup>2</sup> Census Population estimates source: CC-EST2007-agesex-[ST\_FIPS]: Annual Estimates of the Population by Selected Age. Source: Population Estimates Program, U.S. Bureau of the Census last updated February 28, 2009

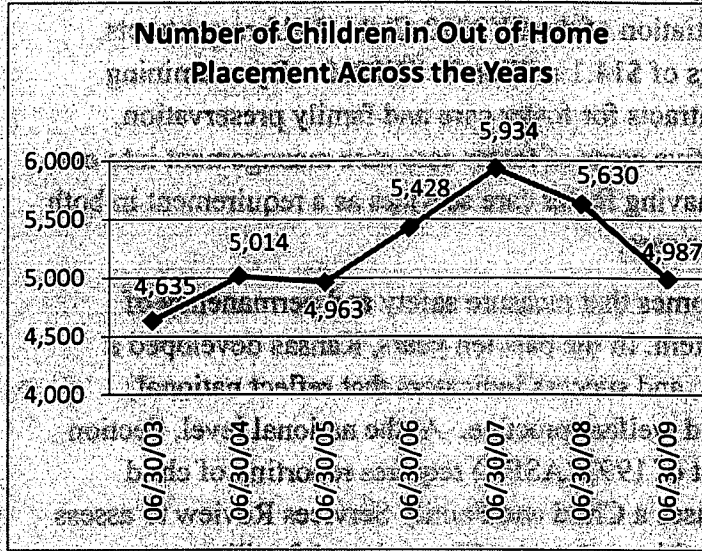
<sup>3</sup> Race is self reported to the agency

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# KANSAS

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

## Timely Permanency and Youth Self Sufficiency



From June of 2007 through June of 2009 the number of children in out of home placement decreased 16%. In SFY 09, Kansas achieved the highest number of adoptions thus far, with 816 adoptions. In SFY09, Kansas served over 700 young adults through the Self-Sufficiency/Independent Living program. The Foster Care Education Assistance Act (Tuition Waiver program) served 143 young adults for the first time starting in SFY09. In addition, 323 young adults received services through the ETV program in FY 09.

Contract performance is measured through outcomes. When outcomes are not met, contractors are required to develop program improvement strategies and demonstrate improved performance in accordance with the state's Children and Family Services Review Program Improvement Plan. Failure to improve outcomes may result in contract termination. As a public agency, we take accountability very seriously. Performance measurement focused on customer outcomes is critical in ensuring our efficiency and effectiveness in carrying out our responsibilities, and continuing to improve our services to Kansas citizens.

### Child Welfare Outcome Measures

The Child Welfare outcome measures are organized around safety, permanency and well being.

Within each child welfare outcome there are several goals, each of which has a specific indicator that we measure. Each indicator displays an established threshold, actual agency performance in FY 2007, FY 2008, and FY 2009 and projected performance FY 2010. The indicators reflect process and program measures for efficiency and effectiveness. The Federal Administration of Children and Families has extensive reporting requirements for child and family safety, permanency and well-being, and much of what we measure is mandated by these requirements. Data for the Child Welfare outcome indicators come from quarterly case reviews completed by agency staff and information reported in the Child Welfare Family and Child Tracking System (FACTS). Case review instruments are located on the agency website <http://www.srskansas.org/CFS/QA/qamain.htm>.

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DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Outcome	Goal or Accountability Measure	✓	FY07	FY08	FY09	FY2010 Projected
	Preservation participation.		N/A	N/A	N/A	93.9%
	90% of births to families referred to Family Preservation will be born substance free.		89.9%	91.9%	93.5%	93.5%
	95% of families referred shall be engaged timely in Family Preservation services.	✓	99.92%	99.9%	99.9%	99.9%
	99.68% or more of children are safe in foster care					
Children Have Timely and Permanent Reunification	69.9% of children released from custody of the Secretary and reunified are released from custody within 12 months of entering foster care.	✓	65.8%	69.5%	76.2%	76.2%
	Children discharged from custody and reunified have a median length of stay of 6.5 months or less.	✓	8.6 months	8.2 months	8.9 months	8.9 months
	15% or less of children will not re enter custody within 12 months of release of custody.	✓	9.1%	8.1%	8.1%	8.4%
	39.4% of children who entered foster care for the first time in the 6 month period prior to the State Fiscal Year will be discharged from custody for reason of reunification or living with relative in less than 12 months.		32.1%	36.9%	37.3%	37.3%

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Children in foster care reside in a family like setting	90% of children in foster care will reside in a family placement setting (not a group or residential facility) [ National data is 82%]	91.5%	91.7%	91.9%	91.9%
Children remain in the same school when possible	Children age 6 and older removed into foster care will maintain attendance at the same school they attended prior to removal (respective to grade and promotion to middle or high school) (Note: There is no current performance standard for this success indicator)	16.6%	14.3%	14.7%	14.7%
Children live with siblings whenever possible	Children in foster care who have siblings live with siblings ( Note: There is no current performance standard for this success indicator)	72.3%	72.0%	72.0%	72.0%
Children live with relatives whenever possible	Children in foster care are placed with a relative (Note: There is no current performance standard for this success indicator. [ National data is 25.7%])	25.5%	25.3%	25.3%	25.3%
Youth have a positive adult role model	Youth who leave foster care as an adult will have an adult in their life who is invested in their future.	97.1%	98.2%	97.2%	97.2%
Youth maintain a full set of credits each semester	Youth age 15 and older obtain a full set of credits each semester ((Note: There is not currently a performance standard for this success indicator)	N/A	N/A	N/A	75%
Youth achieve high school education	Youth who leave foster care as an adult will achieve a high school diploma or GED (Note: There is not currently a performance standard for this success indicator, national data is estimated at 50%)	N/A	N/A	N/A	80%

<sup>1</sup>A check mark ✓ indicates the measure is a federal outcome for which a national median is reflected as performance standard and federal fiscal year performance displayed.

<sup>2</sup>The first measure is calculated based on all children with substantiated findings. The next four are for the family preservation contracts and the rest are related to the foster care contracts.

N/A is recorded for measures that were not applicable during the year.

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47.8% or less of children emancipated were in care for 3 years or longer. (Lower % is better for this measure)	23.1%	52.2%	9.1%	27.6%	64.0%	36.6%
96.8% of children with termination of parental rights are discharged to a permanent home prior to their 18th birthday	80.0%	82.3%	90.0%	76.9%	91.4%	85.7%

Foster Care Success Indicators*						
Young Adults exit custody with at least one positive role model	100.0%	91.7%	100.0%	87.5%	100.0%	94.8%
Children are placed with at least one sibling in out of home placement	79.5%	72.8%	72.5%	72.4%	69.6%	72.9%
Children are attending the same school in out of home placement	26.4%	10.3%	16.8%	18.6%	18.2%	17.8%
Children are placed with relative in out of home placement	30.0%	27.6%	28.3%	27.1%	21.1%	26.6%
Adults ending Custody with Secretary having achieved a Diploma or GED	9.1%	53.8%	31.8%	43.8%	29.2%	37.4%
Youth age 15 and older in foster care will earn a full set of credits each semester**						

\*Success Indicators have no State Standard or National Median to Achieve

\*\* This success indicator will not have results until Jan 20, 2009



# KANSAS

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

## Foster Care Contract SFY2009 July 2008 to June 2009

	R/FC Region 1	R/FC Region 2	R/FC Region 3	R/FC Region 4	R/FC Region 5	State	State meets standard		
99.68% of children remain safe in out of home placement	99.8%	100.0%	99.9%	99.9%	100.0%	99.9%	■		
95% of children are safe following reintegration, adoption finalization, or guardianship	99.0%	98.6%	99.8%	99.0%	98.3%	99.0%	■		10/27/08 New numbers on contracts 5 more than in attachment 2008 & 2009 and added to 100 to 100%
75% of children are placed in a location that promotes continuity of family relationships and community connections	62.4%	54.3%	61.1%	50.9%	63.5%	59.1%	■		10/27/08 breakdown of contracts versus non New family members to address 51 and 2009
90% of youth leave custody with at least one positive role model	95.3%	99.0%	100.0%	100.0%	100.0%	97.2%	■		10/27/08 addition to 2008 & 2009 and will virtual same
76.2% of children reintegrated timely (< 12 mo.)	71.3%	64.0%	52.3%	58.2%	31.2%	54.7%	■		10/27/08 addition to 2008 and 2009 and low performance used from last year 10/27/08 addition to 2008 and 2009 and low performance used from last year

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# KANSAS

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CFSR 2nd Round Outcomes	Outcomes						
	Substantial conformity for a state is based on if an outcome met 95%						
State (Total number of States = 31)	Safety Outcome 1: Children are Protected	Safety outcome 2: Children are safely maintained whenever possible	Permanency Outcome 1: Children have Permanency and Stability in their living situations	Permanency Outcome 2: Continuity of family and connections are preserved	Well Being 1: Families have enhanced capacity to meet their needs	Well Being 2: Children have appropriate services to meet their educational needs	Well Being 3: Children have adequate services to meet physical and mental health needs
Updated 8/10/09 New States	Kansas Ranking						
	2nd	8th	4th	1st	1st	9th	5th
Alabama	90.0%	80.0%	33.0%	60.0%	48.0%	84.0%	85.0%
Alaska	47.1%	38.5%	15.0%	62.5%	23.1%	76.1%	52.5%
Arizona	78.1%	63.1%	42.5%	71.1%	41.5%	77.3%	62.9%
Arkansas	76.9%	58.5%	41.0%	53.9%	27.7%	71.1%	62.3%
California	80.6%	76.9%	41.0%	79.5%	58.5%	88.0%	81.0%
Connecticut	100.0%	80.0%	32.5%	50.0%	44.6%	95.5%	87.1%
Delaware	65.6%	78.5%	42.9%	65.8%	49.2%	90.5%	82.4%
Dist. of Columbia	80.8%	81.5%	41.0%	71.8%	49.2%	88.0%	87.3%
Florida	70.0%	61.5%	34.1%	47.5%	24.6%	82.5%	61.4%
Georgia	72.0%	67.7%	42.5%	44.0%	35.0%	78.0%	68.0%
Idaho	90.0%	68.7%	46.1%	79.5%	57.8%	95.5%	88.1%
Indiana	54.5%	70.7%	37.5%	62.5%	35.3%	83.8%	75.5%
<b>Kansas</b>	<b>93.8%</b>	<b>75.0%</b>	<b>52.5%</b>	<b>90.0%</b>	<b>65.6%</b>	<b>91.5%</b>	<b>85.5%</b>
Kentucky	90.9%	76.9%	47.5%	67.5%	47.7%	87.2%	83.6%
Massachusetts	70.6%	72.3%	47.5%	75.0%	44.6%	96.0%	75.4%
Minnesota	57.9%	62.5%	58.0%	72.5%	46.9%	86.0%	77.2%
Montanna	79.3%	71.0%	32.5%	77.5%	48.4%	95.1%	67.9%
Nebraska	37.5%	52.3%	25.0%	67.5%	32.3%	76.5%	62.3%
New Mexico	87.8%	70.8%	37.5%	75.0%	63.1%	80.8%	81.2%
New York	89.7%	70.3%	40.0%	42.5%	34.4%	88.5%	84.2%
North Carolina	66.7%	73.8%	57.5%	80.0%	63.1%	96.0%	78.7%
Ohio	63.2%	75.0%	30.0%	65.0%	65.6%	87.5%	82.8%
Oklahoma	67.6%	67.7%	35.0%	60.0%	48.0%	86.0%	82.0%
Oregon	62.5%	60.0%	46.3%	70.7%	38.5%	76.9%	68.3%
Pennsylvania	57.7%	68.8%	30.8%	48.7%	35.9%	81.6%	68.9%
South Dakota	85.7%	90.8%	52.5%	80.0%	63.1%	97.4%	89.7%
Tennessee	53.3%	50.8%	27.5%	57.5%	35.4%	83.3%	66.1%
Texas	61.3%	63.1%	37.5%	62.5%	38.5%	97.1%	69.6%
Vermont	87.5%	46.9%	30.0%	65.0%	23.4%	87.8%	72.1%
West Virginia	33.3%	56.9%	27.5%	77.5%	36.9%	83.3%	68.3%
Wyoming	76.2%	67.7%	45.0%	67.5%	49.2%	97.9%	78.7%

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# KANSAS

DEPARTMENT OF SOCIAL SERVICES  
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## Section 6

**Quality control, measurements of contractor performance; who at SRS is responsible for oversight and control of vendor compliance with contractual obligations. Include any and all cost/benefit related information SRS maintains on the contracts, i.e., whether objectives delineated in the contract have been met and at what cost (either per case or per intervention). Identify who is responsible at the agency to investigate and follow up on complaints. Explain what the complaint procedure is: who receives the complaints? Is someone specific assigned to investigate? Is there a hearing?**

SRS is responsible for oversight and control of programs, service delivery, and contract compliance. Children and Family Services performance management staff from both central office and the regions are responsible for providing support and accountability for the structure, methodologies and administration of quality assurance and performance improvement activities. These include case reads, data collection, analysis of outcomes and facilitated stakeholder meetings.

SRS has three types of case reviews (child protection, in home services and foster care/reintegration/adoption) each has its own review instrument, manual and reviewer guide. In addition to routine case reviews, targeted case reads are conducted as required for policy compliance or performance improvement projects. Each case is reviewed by at least two readers to assure accuracy and reader reliability. If unable to agree on the scoring of a specific case read question locally, central office staff facilitate resolution. The facilitation provides insights which may improve clarity of future questions, protocols or guides.

Stakeholder meetings are organized at the statewide and community level to involve customers and stakeholders in discussions about the delivery of Child Welfare services. Because there are similar meetings in the plan administered by Office of Judicial Administration (OJA) for improving court handling of child welfare cases, these meetings are coordinated with OJA.

Outcomes data collection and reporting is standardized to provide consistency and enable comparison throughout the Agency on a statewide basis, by SRS and Contractor Regions. Data are analyzed to determine the performance of existing processes, and to identify opportunities for improvement. Opportunities for improvement will range from those the systemic or statewide to those specific to SRS Regions, Child Welfare Case Management Providers or individual staff.

In addition the foster care system is reviewed by the federal Administration of Children and Families through Children and Family Service Reviews and subsequent program improvement plans. Kansas recently underwent a second CFSR and have negotiated our second program improvement plan. The CFSR provides information on how Kansas compares to other states in meeting national outcomes concerning child safety permanency and well being. This information is set out in the preceding chart.

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# KANSAS

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

## Section 7

### **Policy guidelines and procedures for removal of children from parents and foster parents.**

#### **What are the time requirements to document emergency removals?**

The child protection and foster care system is governed by the Kansas Code for Care of Children. This legislation was enacted by the Kansas legislature in 1982 and revised in 2006. It is a careful and intricate design of checks, balances and partnerships that help safeguard the rights of parents while protecting children from harm.

Law enforcement and SRS are responsible for receiving and investigating reports of suspected child abuse and neglect when community members become concerned. When assessing a report of abuse/neglect and conducting the investigation it is always necessary to balance the harm described in the report with the likely harm created by state intervention into the life of the family.

SRS typically takes the lead in investigating reported abuse/neglect during business hours, Monday through Friday. If the report involves serious injury or an emergency needing immediate action to remove the child from danger, law enforcement will be notified. In these situations law enforcement participates with SRS in responding to the report and conducting the investigation. Law enforcement may decide to remove the child into protective custody. The shared responsibility between law enforcement and SRS also ensures that evidence sufficient for a criminal prosecution is preserved.

Law enforcement responds to reports of abuse/neglect after hours and on weekends if the abuse/neglect information reported is determined to be an emergency requiring immediate intervention. Law Enforcement is also frequently called upon to respond to reports of non abuse/neglect incidents, such as a child being truant or a significant conflict between a parent and an older child.

SRS social workers do not have the authority to remove a child from their home or to take children into protective custody unless authorized by court order. Only law enforcement have the authority to remove children or take children into custody without a court order. Thus any time an immediate risk to a child is identified, law enforcement must decide whether or not to take the child into protective custody. Only when a child is in imminent danger and cannot otherwise be protected will SRS request that law enforcement consider protective custody or request a county or district attorney consider involving the court. (See below for more detail) A significant number of youth taken into protective custody by law enforcement are not at risk for abuse or neglect situations. These youth may be in conflict with home, school or community.

After an endangered child or out of control youth is taken into police protective custody, a court hearing must take place within 72 hours (exclusive of weekends and holidays) to determine

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- Unless there is an emergency, a child placed with a relative or in any placement for 6 months or longer, can't be moved by the Secretary without consent of all concerned or the approval of the court.
- Any time a child is removed from a placement, agency policy requires the court to be informed within 24 hours.
- Reports are provided to the court by the Secretary at least every six months. The reports inform the court of efforts being made to reintegrate the child with family.
- Face to face hearing before the court must occur at least annually and often take place more frequently.

The framework for open communication among those involved in a child's life is set by Kansas statutes and regulations, federal requirements and the terms of the contracts between SRS and private providers. Communication at the community level is essential in order to drive appropriate outcomes for children.

Good outcomes for individual children depend upon systemic accountability. Kansas recently completed the second Children and Family Services Review and next year will undergo a federal audit for compliance with the conditions for receipt of federal funds. Success in both reviews requires collaboration with the judicial branch and ongoing oversight through internal quality assurance processes.

Our priorities for children who come to the department's attention are clear:

- safely maintain with family
- quickly return to family

When neither priority is a safe option within a child's sense of time, we attempt to provide another permanent family.

Within the checks and balances the legislature has provided, with our partners, under the oversight of the court, we work for the well-being of each child. Each child is entitled to continue achieving the normal developmental milestones of childhood. This very complicated child welfare system is successful to the extent each child is successful at the work of childhood: growing into a self sufficient adult able to parent the next generation.

Children and Family Services Policy and Procedure Manual  
Section 2472: Requests to County or District Attorney for Order of Protective Custody

It is the policy of the department that the department will not seek custody of a child unless it is determined that the child cannot remain safely at home.

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Emergency removals from foster homes, like all case decisions, are required to be documented as quickly as possible in order to assure the most accurate and complete information is available for completing court reports, case review and to assure continuity of care.

Unless an emergency exists, SRS does not have the authority to move a child who is placed in the custody of the Secretary placed with a relative or has been in any placement 6 months or more without court approval except for move to a prospective adoptive home. (K.S.A. 38-2258, 2259).

It is the policy of the department that a decision whether to remove a child who is in the custody of the Secretary of SRS from a foster home or residential facility (temporarily or permanently) should be based on the best interests of the child.

Documentation is the foundation for professional accountability. K.S.A. 38-2259 requires that an emergency change of placement be reported to the court "at the earliest practical time." SRS policy requires this notice be provided within 24 hours.



  
**KANSAS**  
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AND REHABILITATION SERVICES

**Section 8**

**Does SRS review the contractors' financial statements to assure that state unemployment taxes, Workers' Compensation and state taxes are paid and that caseworkers carry professional malpractice insurance with the State of Kansas named as an additional insured?**

The Foster Care contractors and the Family Preservation contractors are independent contractors incorporated in the State of Kansas as 501(c)3 Corporations. Prior to awarding contracts, the Division of Purchases confirms tax status of all potential contractors and subcontractors. KSA 75-3740-(c) allows the Director of Purchases to reject the bid of any bidder who is in arrears on taxes due the State of Kansas. The State of Kansas reserves the right to allow a bidder an opportunity to clear tax status within ten (10) calendar days, or to proceed with award to the next lowest responsive bidder, whichever is determined by the Director of Purchases to be in the best interest of the State. The Secretary of Revenue is authorized to exchange such information with the Director of Purchases as is necessary to determine the bidder's tax clearance status, notwithstanding any other provision of law prohibiting disclosure of the contents of taxpayer records or information.

Additionally the Contractors certify to the Department of Administration that should it be awarded a contract by the State, they will comply with all applicable federal and state laws. Department of Revenue collects taxes from these corporations and takes any appropriate action to track amounts due and collect taxes timely like they do for any business.

As part of the contract requirements, each contractor tracks revenues and expenses applicable to the contracts separately from the organization's other business operations. Additionally, if an organization is awarded contracts for more than one region, revenues and expenses are tracked separately for each region. Contractors submit a copy of their annual certified public audit of the organization within 180 days of the organization's fiscal year end to SRS for review. These audit reports include separate audited income statements for each contract and any documentation or other such evidence to verify Contractor's compliance with any provision, duty, certification, or the like under the contract. In addition, the foster care contractors submit quarterly fiscal reports in Microsoft Excel. The reports include a current balance sheet and a year to date income statement for the contract operations.

These financial statements are reviewed to assure financial stability, good business operations, and to compare estimated revenues and costs from the bid process to actual revenues and expenses. They are not specifically reviewed to determine if state income taxes are paid, if state unemployment taxes are paid, or if worker's compensation taxes are paid. SRS does not track any of the independent contractors that we do business with at this level since other state systems are in place to assure taxes are remitted.



On May 25<sup>th</sup>, 2005 I went to file divorce to get out of an abusive marriage. When my attorney went to file, it was discovered that Mr. Rosproy had filed just 30 minutes prior to me. Mr. Rosproy had overheard a conversation between me and my mother the night before about my parents helping me, financially, to pay for the divorce. I had to wait on my parents to come from Hutchinson-about a 45 min. drive. I had no money as Mr. Rosproy controlled everything. I also had two small children to get dressed and ready to go, whom are the focus of this testimony. Mr. Rosproy did not want a divorce as he and his attorney failed time after time after time, etc, etc, etc. to show up for court. Consequently it took 3 ½ years to finalize the divorce. I tell you this because the SRS contractor-case manager questioned why it took so long to get divorced. Assuming that I had something to do with that. I finally had to start bugging the Judge to get it done and it still took more than a year from the time I contacted him. They nearly dismissed the petition for divorce. Which is what Mr. Rosproy really wanted.

On June 13<sup>th</sup>, 2005 Mr. Rosproy signed an affidavit that stated that I am an alcoholic and a drug addict which has been found to be "unsubstantiated" with PROOF of numerous UA's and a hair follicle test. This affidavit states that if Mr. Rosproy's allegations are proven to be false he is to pay a fine of \$500.00 and/or spend time in jail. Now the DA's office is using this abusive, molester's false affidavit against me concerning my children. However, although disproven, the consequences to the filing of a false affidavit have NOT been enforced! The Judge on June 13<sup>th</sup>, 2005 placed me under supervised visitation with my children based on it. With my parents being the supervisors. He said to "err on the side of caution." After numerous (10-12) UA's and a hair follicle test. Testing finally ceased 2 ½ years from the filing of this affidavit. These UA's, and the hair follicle test were triggered by the court appointed case manager-appointed as mediator on June 13<sup>th</sup>, 2005 and limited case manager on July 13<sup>th</sup>, 2006.

In September of 2005 my children were dropped off at my parents after a visit with their father. My youngest had on his back what appeared to look like a perfectly round cherry cigarette burn. My oldest had a burn similar to that on his arm near his elbow. When asking my youngest what happened to his back, he stated three times that he got in trouble with his dad and that there was poopy all over his back and that the poopy burned him. My oldest when asked what happened just got upset and refused to talk about it. "I don't want to talk about it," he said. The boys were 3&4 at that time. I took both of them to the doctor who confirmed without input from me that it looks like cigarette burns. Which both my parents and I had concurred they looked like-but never in front of the children. The doctor asked Jacob what happened to his back. Jacob stated, "My daddy burned me with a cigarette." My oldest did not reveal anything to the Dr. His burn was on his forearm. The incident was reported to police, SRS/EMCU by myself. The court appointed limited case manager had me bring the boys in for an interview in which she stated that Jacob told her that his daddy burned him with a cigarette. Jacob is my youngest. Jackson, is my oldest, and did not want to talk about it with her. The Case Manager started to go back to her office. The boys' grandmother had to ask the limited case manager what to do concerning visitation by Mr Rosproy with the children until SRS/EMCU (Exploited Missing Children's Unit) investigates. She stated that they were to stay with me at my parents house for two weeks. She stated that Mr. Rosproy could speak with the boys by phone. I, however, felt like never taking them back after this incident. The case manager did not report to SRS what my youngest stated about the mark on him to her. She was informed by me that the first time Jacob stated "My daddy burned me with

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a cigarette" was in the Doctor's office. Well, SRS/EMCU did not investigate until over 2 weeks had already passed. EVEN though, by PROPER PROTOCOL, they are to come out the same day or within 24 hours whenever there is a mark on a child/ren. During the two week time frame the boys' father called them nightly and would continuously talk to them about the cigarette burns. Saying things like, "You know that daddy did not do that to you." The boys tried to talk to him about toys they were playing with but Mr. Rosproy persisted in telling the boys that they had better tell them that daddy did not burn them with a cigarette. Who told Mr Rosproy about what the children said? That! I do not know. But, during the course of the last 41/2 years, many hippa laws have been broken concerning the boys' right to confidentiality when it comes to telling the alleged perpetrator which child talked and what they said. Which has put my children in harms way. This has been done by the court appointed case manager and by EMCU detectives. Anyway, two weeks passed and the limited case manager sent the boys back to their dad's for visitation to resume. Before the SRS/EMCU completed their investigation. The boys were interviewed after going back to their father's . Mike denied the allegations. In EMCU records there is no evidence of the doctor, or the case manager being interviewed by SRS/EMCU. It was found to be "unsubstantiated." Proper protocol was not followed and the children were questioned after being "coached" or intimidated by their father to tell lies. As well as two witnesses, that they were aware of, were not interviewed. Also Photographs were taken of the burns were given to SRS/EMCU dated the day they were discovered. As well as the pictures were presented to the Judge. Limited case manager wrote in her report that I said their dad burned them with a cigarette, which is incorrect as it was Jacob that told her that and told the Doctor before her?

The next thing I know, we got an "unsubstantiated" report that stated that the boys had burned each other with a "scribb" in Grandma's basement. Mr. Rosproy denied the allegations and therefore this is what was ruled on the incident. Case Closed! I say "we" got an 'unsubstantiated report ' ", as I was still living with my parents at the time-due to my having to have supervised visitation in September 2005. My father, after the boys came back for their time with their dad, asked my 4 year old if he could show Grandpa what and where the scribb was that he and his younger brother burned each other with in their basement. My son said, "yea." He then took my dad downstairs and in the laundry room pointed at a shelf and said that was the "scribb" that he and his brother burned each other with. So my dad took a picture of the "scribb" and sent the photograph to the detective at EMCU in Sedgwick county with an explanation of what Jackson said they burned each other with.

On December 3<sup>rd</sup>, 2000 I reported to police and the following day December 4<sup>th</sup>, I reported to SRS that my youngest son came out of the bathroom ,into the living room where we were all seated, with his pants down and was playing with his penis in front of everyone and laughing. I told him that his behavior was not appropriate and told him to stop! He said, "Daddy showed me." This was approx. 1:15 pm. I did not put too much stock into it, though it bothered me. That night when putting the boys to bed, my oldest son started what appeared to be simulated masturbation with his penis outside his pajama pants. I scolded him and asked him where he learned that. He was laughing and said, "Daddy showed us how to do it." I got angry and walked up the stairs. While I walked up the stairs, my oldest started crying and acted frightened saying, "Mommy please don't call daddy and tell him." He repeated it and sounded scared to death. I contacted the police department and filed a report. The officer told me to contact SRS

the following day. So on Monday Dec. 4th I did. The report went to EMCU. I was unaware, at that time, that SRS and EMCU work together. I had to report the incident to Sedgwick Co. Police as the alleged incident took place at the residence of Mr. John "Mike" Rosproy who lives in Sedgwick county. The Hutchinson SRS workers came out to speak with the boys and myself the next day at the request of the Wichita, Ks./Sedgwick county SRS. Neither of the boys would tell the social workers anything. I had gotten upset the night before and was still upset and freaked out by the whole thing. The Hutchinson/Reno Co. SRS workers stated that my getting upset is likely the reason why the boys will not talk about it to them. She explained to me how to handle any future incidents if they occur. This was helpful information and I did utilize it when future incidents did occur. Also spoke to me about not leading the child. Good advice. However I got accused of "coaching" from December 5<sup>th</sup>, 2005 by SRS and EMCU to now. I was labled as "coaching" and or "malicious reporting." Mr. Rosproy has continued to this day to deny everything. Thus, SRS, EMCU detectives, the courts, SRS contractors-case manager, and the court appointed limited case manager (kicked off the case by the Judge after 4.5 years on Sept. 10<sup>th</sup>, 2009) continue to empower Mr. Rosproy and have aided and abedded a pedophile to molest my children and emotionally and physically abuse them for 4.5 years . Because of this, my children have learned that you can lie, molest, abuse, and break the law over and over and get away with it. They have also been taught that by telling the truth you get ripped from your mother and your family who have done nothing to harm them. Therefore they do not trust authority figures and have trust issues with adults because the adults keep doing all the wrong things that ARE NOT "in the best interest of the children." Now this case is about CYA and MONEY-not children. More about that later...

Next, the Wichita EMCU/SRS unit wanted me to bring the boys in to be interviewed. My mom and I took the boys to EMCU together. We are all in the waiting area. Kids are right there playing with toys they had out. They had taken the boys one at a time back to speak with them about the incident. They had apparently already spoke with Mr. Rosproy who obviously had them tainted towards me by something he told them which was untrue. The SRS caseworker came out of the room and began to literally chew me out telling me to stop starting fights with Mr. Rosproy in front of the children all the time. I was shocked at her unprofessionalism and her attitude. My mom stated to her, "What about when he abuses her physically in front of the children?" The SRS worker snapped at my mother and that is when I asked the SRS worker in a quiet but angry tone, "Can talk to you away from the children for a minute." She nodded her head. I was tken back to a room where an woman detective was with this SRS worker. I looked right in her face and told her to never talk to my mother or me like that again. I told her she had no right to do what she had just done to both of us. I informed her that she is not better than we are and to drop the attitude. The SRS worker and EMCU detective then explained to me how they taught my children their private parts and that no one should be touching them there and so on. I asked them if they had spoken to Mr. Rosproy and they stated very emphatically, "Yes we did. And he said all the right things He said he didn't show them that." Then I was informed that they were not going to do anything about it. I was not happy about this. I opened the door to leave. As I was telling my mom and the boys let's go, the EMCU detective degradingly yelled from inside the room she was in, "Valerie, why don't you feed your kids their hungry!" I stated that EMCU and SRS were pieces of you know what organizations." Then I stated, "You can't help us." I also informed the EMCU detective that I would be contacting her Lieutenant to let him know how we were spoken to and treated. I already knew she would tell him that



she was just telling me the kids were hungry-very innocently. That is not how it was though. I called the Lt. the next morning and that is exactly what she did. I also told him about another incident a couple weeks prior to this one with the boys. I told the Lt that after picking them up from Mr. Rosproy's, they were extremely quiet on the way to their Grandma and Grandpa's house.( 1<sup>st</sup>,2006) Jan They were not talking, playing, and they both had these 'in shock' looks on their faces. They did not say a word the entire 45 minute drive. I knew something was wrong but wanted to wait to talk to them until we got there instead of talking about it in the car, in case it was something really bad. I told the Lt., "They are 3 and five-this is way out of character for them so I KNEW something was wrong." After arriving at my parents home, I pulled Jackson aside and asked him what was wrong,. He stated, "murder." I asked him if he saw that on TV. He said, "No." I asked him if he even knew what murder meant? He said, "No." So I explained to him that it is when one person takes another person's life-they kill them on purpose. To which he responded by throwing both his hands up in the air and saying, "Oh my God mommy! You are gonna die!" Then he said, "Jacob knows about this and he ran to get his younger brother. Both boys came back to the room where I was and my oldest asked my youngest if he knew what murder meant. He said, "No." with a sad look. My oldest explained to my youngest what it meant by what I had told him. Then my youngest said, throwing his arms up in to the air, "Mommy you are gonna die!" Neither one of them would talk about it anymore. My oldest during that visit was depressed and sitting alone on the curb when we went outside to play. All I could get out of him was that he couldn't," get those bad pictures out of my head." The Lt. asked me if I filed a police report. I told him that previous reports had done us no good, so no I did not. Mike had stated to me in front of the boys one time that, "You aren't doing me any favors by still being alive." When I said, "What?" He repeated it again in front of the boys. I left and I went and reported that threat, but nothing came of it. The Da's current petition just states I filed a police report because Mike intimidated me. Also, Da's petition states that "we" exposed our children to domestic violence. I am not sure how I could have stopped him from attacking me? How is that my fault? I tried to get me and my children out of the situation. I told the limited case manager the first day I met her that Mr. Rosproy is a narcissist with a sexual addiction and I have always been his "Target." I told her that my fear was that since he has to have a target , my children would be next as I was not there anymore. How am I responsible for being a victim and the DA's office stating that I failed to "protect my children?" When me, my dad, daycare provider, boys' therapist, and the social workers at WCH all tried to help them. Also the DA's office was aware of this case. It was brought before them twice. Once by my private investigator, who said the DA's office would not do anything about this case, and once by LMSW, Debbie Wilson, who sent a letter to the DA directly about this case and the circumstances. Me, my family, and Ms. Wilson have all contacted BSRB, The Attorney General's office , Governor's office , Topeka SRS, and the Judges in the 18<sup>th</sup> Judicial district about this case. All stated they could not help. I and my father have written representatives, congressman-you name it we have done it.

On Dec. 6<sup>th</sup>, 2005 daycare provider reported allegations of sexual abuse. EMCU reported that I told her about sexual abuse and according to EMCU's summary the baby sitter denied any allegations of sexual abuse. However a review of the interview notes by the August 3<sup>rd</sup>, 2009 court appointed Psychologist investigator revealed differently. Review of the interview notes dated Dec. 7<sup>th</sup>, 2005 for daycare provider reported that both my children will engage in self harming behavior when in trouble (hitting, banging head on the wall, etc.) She also stated that her 17 and 13 yr. olds both reported to her that they

observed my youngest putting his hands down his pants and holding his penis, then pushing his pelvis out. (Age 3) Both boys were observed hitting dolls and shouting, "bad babies." Daycare provider was interviewed again on Dec. 29<sup>th</sup>, 2005. During this phone call, the notes stated that when she went to put all kids down for a nap, my oldest son started putting his hands in his mouth and complained of his stomach hurting and saying, "It tastes bad." When asked, what "tastes bad?" My son responded "finger fucking."

On December 22<sup>nd</sup>, 2005 the daycare provider called me with two incidents concerning the boys. She advised me that my oldest son told another child in her daycare that, "Kids who do bad things get burned." And later she called about the aforementioned incident. The boys had been with their dad the last couple nights before that happened.

My family and I continued to document and file reports. Boys' therapist had filed a couple of reports. My dad on Nov. 15<sup>th</sup>, 2006 sent Hutchinson SRS documentation with details. They in turn sent it on to Wichita, Ks. Sedwick, co. SRS.

More sexual acting out occurred and was reported. On January 11, 2008 the court appointed case manager wrote that illegal court order stating that me nor my family could report abuse on the boys' father to SRS, authorities, school, therapist (boys') or dentist. or I would have my parental rights taken away to supervised visitation. The dentist part is because the boys' therapist reported to SRS about Mr. Rosproy hitting Jacob in the back of the head so hard that he fell and hit his tooth on the cabinet. I took Jacob to the dentist. He couldn't eat. He announced to two receptionists and the dental assistant that, "My daddy whacked me in the back of the head really hard and I fell and hit my tooth on the cabinet. Jacob's tooth was cracked. Dentist would not report it. Later in the week Jacob told his therapist who reported it. Then on January 18<sup>th</sup>, 2009 my oldest son started crying out of the blue. He started to tell me in detail about his dad touching him between his butt cheeks and pushing them together and putting his penis in between his butt cheeks. He said he saw it happen to his brother, too, the same day. He told me it started happening when they were 3 and 4. He said, "You were right all along when we were little mom." And that some of that stuff is still happening. That their dad still touches them and he takes baths with them. I tried so hard not to cry. I didn't want to upset him so he would feel comfortable enough to talk to me. I hugged him and said, "I am so sorry Jackson." Not doing well on holding back on my tears. He said, "What are you sorry for mommy?" I asked him why he never told anyone. "All those people that asked you questions?" He said, "Because daddy said he would kill me and he would kill you too if I ever told anyone."

I asked him if he could tell anyone else besides mommy. He shook his head no and said he was ashamed. He said, "Because it is your fault and my fault and Jacob's fault." I said you mean the "sexual activity stuff?" I had explained to him that term to discuss this with him. He said, "Yea." He still believed it-all these years. I told him, hugging him, that it was NOT his fault! It was NOT Jacob's fault! It was NOT mommy's fault! It was his dad's fault!!! You should have seen him. It was like a ton of bricks had just been lifted off his shoulders.

He said he could probably tell Susan. (His therapist) I asked him if he could tell her with a policeman present with Susan. He said he thought he could. On Jan. 20<sup>th</sup> he told them most the truth, except he said his dad used his hands-he is ashamed. He told them about other things I did not know about both physical and sexual. For instance his dad uses a black wooden paddle to hit them in the head with.

The Reno co. detective turned it into Sedgwick co. EMCU/SRS. They sat on it for 5 weeks. Did nothing. I still had to return them back to Mike because of it. I HATED IT! But, after trying to keep the boys twice after things kept happening-I was told I would go to jail if I tried to keep them again. I tried to call my attorney 6-7 times from Jan. 21<sup>st</sup>, 2009 to Feb. 23<sup>rd</sup>, 2009. Left message with details of what was going on. I left a message for the court apptd. Case manager to call me on Feb. 23<sup>rd</sup>-she did not call me. On Feb. 23<sup>rd</sup> I called the Lt. at EMCU and asked him why they haven't investigated this yet. He stated that his Sgt. Just got it late last week. I told him that was a lie and that I had talked to the Reno co. Det. 3 wks ago who said at that time, he turned it in 2 weeks ago. On Feb. 24<sup>th</sup>, 2009 EMCU sent out the same detective that had treated me and my mother like dirt to talk to my son. (Transcript of part of that interview will be attached and read.) The EMCU detective contacted the perp. (his dad) and told him which child talked and that she believed I was coaching him. The Limited case manager spoke with the boys' dad only-not me and she spoke with the detective. They both decided I was coaching Jackson and therefore abusing him emotionally. On Feb. 26<sup>th</sup>, based on the illegal Jan. 11<sup>th</sup>, 2008 court order, my boys were given to their molester and abuser and I only got one hour supervised visitation time at the Wichita Children's Home (WCH) The Feb. 26<sup>th</sup> court order was illegal as well, as it was written by the limited case manager not a Judge-but a Judge signed it.

I went into my attorney's office on March 1<sup>st</sup> and told her this was a bunch of you know what and I wanted her to file a motion to get rid of the case manager. On the Jan. 11<sup>th</sup>, 2008 illegal court order I tried to get her to call me back to file a motion against it-she never did anything about it.

Now, after a GAL I hired tries to get my boys out of harm's way TWICE before the Judge based on WCH social workers contacting SRS twice-no investigations done. EMCU twice-No investigations were done. Police were called once-they sent them back to their dad's after boys behavior getting worse. Finally after the Court appointed Psychologist's report revealed EIGHT inconsistencies in Mr. Rosproy's stories and spoke with the various professionals, zthe boys' family Physician, Boys' play therapist, and WCH staff members-LMSW's. The boys after being solely with their dad-abuser for 7 months got them taken from him after the Judge read the Psychologist's report. Per my attorney the Judge said he made a huge mistake on March 31<sup>st</sup>, 2009, when we had court, by not taking the limited case manager off o f the case-Jeanne Erikson . The Judge stated that if Mr. Rosproy even went near the boys' school-he would have him arrested. My parents were to pick up the boys and take them to the WCH to be placed in 72 hour Police Protective custody. That was on Sept. 10<sup>th</sup>, 2009. The next day I get a phone call from SRS stating they have been moved and are in SRS custody. I was mad. I asked why they were in SRS custody when SRS has been part of the problem. I got a vague answer. Now I have been told by SRS contractors that the boys will probably go back to Mike since they got taken from me. I had SRS caseworker mention SRS legal to me a few times when she would not answer my questions. I have had SRS contractor -case manager ,tell me that this same SRS caseworker is afraid she is going to lose her liscience over this case



SRS contractor case manager is afraid of losing hers as well over this case. My question is, if you plan on doing what REALLY is in the best interest of my children after you have all the facts-which SRS caseworker denies having but then tells me she has a copy of Dr. Lance Parker's report Phd( court apptd.)that indicates that there is definitely something sexual that has happened between the father and these children and use of HARSH discipline is evident. SRS contractor case manager has the same information. However, I get a letter from SRS stating that it is "unsubstantiated" physical abuse. She told me by phone that SRS didn't know anything about sexual abuse, but then she admits to having Psychologist's 25 page report and she just hasn't had time to read it.? There is something seriously wrong here. I deserve my children back because I am the only stable parent they have got, and they want and need to come home to me. All SRS, and it's contractors and the courts are doing now is abusing my boys some more. They have been away from me for 9 months. They deserve better than that after all your system has allowed to happen to them. They deserve to be kids for once in their life! They deserve their Mother, Grandparents, Aunts, uncles, cousins, etc. Without ANY interference from the SRS, court systems, case manager's, etc. 4.5 years is long enough to endure what they have had to endure. 4,5 years is enough for me to have to endure, when all I have ever tried to do is to protect them. The interference of the very system put in place to protect them, has actually helped their father physically, emotionally, and sexually abuse them.

On Feb. 24<sup>th</sup>, 2009 I was taking the boys to school when they told me that their dad said that God makes adults hurt children. Now how evil and warped is that. And you want to help him destroy them even more? Not while I am still breathing!!!

\  
Valerie Rosproy

."

Valorie Rosproy  
316-425-0449

I have not done anything wrong and no 72 hr. hearing-no explanation. My children were placed in the hands of their abuser/molester-their father. I hired a GAL-whom the Judge ignored twice about the Wichita Children's Home reporting to SRS twice and EMCU twice, police called. The reports filed with SRS, EMCU, Police were NEVER investigated. I had to have supervised visitation because a limited case manager wrote a recommended order in Jan. 11th, 2008 prohibiting me or my family to report abuse to authorities, SRS, boys' therapist, school, and dentist. On Feb. 26th the limited case manager wrote another recommended order giving the boys to abuser. Finally the judge appointed a court Psychologist to investigate. The boys' father was caught in EIGHT inconsistencies in his stories as well as the Phd hearing from other LMSW's, Family Physician, and the boys' former therapist who told the limited case manager in 2007 that she believed the boys were being abused physically and sexually by their father. My then 8 yr old son asked an EMCU detective how to get his dad to quit touching his privates.

The court appointed Psychologist also recommended the boys be removed from their Father's home. And that there "appears to have been some type of inappropriate sexual activity has occurred between Mike Rosproy and the children. It would also appear that there has been excessive use of harsh discipline and intimidation of the children."

SRS now has custody. No 72 hour hearing. The boys and I have done nothing wrong. We need answers! But more than that, we need you all to take action and return these children who have already suffered enough at the hands of their abuser's, and get them returned to their appropriate parent and stop allowing this county to ignore their and our rights to be families again. Now they have to endure the abuse from the very system who is to protect and help them.

What if it was your child? Your grandchild? We, the people need you to do something NOW! More and more children are being abused by our system and helping pedophiles and abusers continue to do just that-manipulate and abuse. I know I would stick up for ANY of your children and grandchildren if it were you.

October 18, 2009

RE: Valerie Rosproy Case

To: Mike Kiegerl, Chairman, Kansas Joint Committee on Children's Issues

Children's Issues, *Joint Committee on*

Date:

11/30-12/01/09

Attachment:

3

- PI - There is a CD recording of the boys acting out something they said they saw at their father's house on TV which is a specific sexual act where they pretended to play guitar with their penises. They said on the CD that they saw it at their father's home and their father also pretended to play guitar on his penis.
  
- PI - January 18, 2009 Jackson told his mother (after a visit with father) that "you were right all along when we were little mom", referring to sexual things done to them by their father. When asked why he never told anyone he stated "because Daddy told me he would kill me and he would kill you too if I ever told anybody". Valerie's boys were removed from her care SOLELY BECAUSE OF THIS VIOLA NON OF AN ILLEGAL COURT ORDER banning her from making any future reports of abuse against their father. Valerie was threatened that she could also lose custody of her children.
  
- P2- There has been many reports of abuse by other professionals regarding physical and sexual abuse of the boys. Authorities have failed to obtain copies of these reports and SRS/EMCU has failed to investigate properly. In one report the boys' babysitter saw one of the boys sticking his fingers down his throat to gag himself. When she asked him why he was doing that he replied "I'm sick from all the finger fucking". She reported this to SRS and the CM was aware of this incident and did nothing!! There are pictures of burns on both boys that are small and round and appear to be cigarette bums. These incidents occurred AFTER coming back from their "parenting time" with their father.
  
- P3 - On August 4, 2009 the GAL appointed to this case, Val's attorney and the person who is over the CM on this case all requested an Ex Parte order to remove both boys from their father due to suspected abuse. This was denied by Judge Walters who presides over this case. He requested that a neutral therapist be appointed and then if that therapist believed there was substantial evidence to remove the boys he would allow it.
  
- P3- the CM seems to be siding with Mr. Rosproy as she has not enforced court orders he has broken and kept him responsible for his part. It also appears that the Judge may have something to lose or hide if he allows the boys to go home with their mother. Perhaps the CM has knowledge of something that could harm his career?
  
- P4 - Wichita Children's Home, where Val had supervised visits with her boys from February, 2009 until September, 2009, made 2 SRS reports and called police 2 times due to concerns of abuse of the boys by their father. One time Jackson acted as if he was "humping" his brother and then became very embarrassed when his mother scolded him for this.
  
- P5 - Concern that if Jackson continues to act out sexually, he can be held accountable for this once he turns 10 years old - in one year!
  
- P6 - Judge's response that it is "contrary to the rules of judicial ethics for me as a judge to attempt to influence another judge in a case" (in response to my request that he influence Judge Walter's decision to remove the boys from their home, or transfer this case to a fair and objective judge). He also states that he cannot transfer this case to another judge, that request has to come from one of the parties.

Document #4 - Order to remove children from home, and Court appointed Psychologist's report:



- P 3, 4 & 5 - history of reports of abuse of boys. P3 - report made by maternal grandfather included MANY incidents where both boys acted out sexually while living with their mother in the grandparent's home. Only one concern is noted. There were several reports made over a few years by mother, grandparents, therapist, and babysitter.
- P5 - Record of EMCU interview with Jackson. Jackson indicates father hits him on the head and the bottom with different paddles, leaves marks. Jackson indicated that when he was littler, he (Dad) touched our privates. Later in the interview, when asked if he had any questions by the detective he stated "what can I do to avoid him touching me like that?" The interviewer clarified "you mean with the paddle or what?" Jackson said "for not touching my privates, what could I do?" The interviewer replied, "You said the last time it happened you were four and it hasn't happened since." Jackson persisted and said "'oh huh, but what if he does it again?" The interviewer talked to him about calling someone such as 911 and clarified again that Mike has not touched Jackson's privates since he was four years old. Jackson said "just when I was four".
- P6 - Psych evals for both parents - shows Mike's is "normal" and Val's shows "elevated hysteria scale". Val indicated that hers was not accurate and feels that they were switched or other misconduct occurred when reporting results of these evaluations.
- P6. Last pp, CM indicates that Val may be impaired or have emotional problems not responsive to interventions since 2005. However, Valerie's angst and emotionality stems from ongoing concerns that her boys are being abused by their father and reports continue to be unsubstantiated and CM points blame at Val, saying she is coaching the boys.
- P7 - Accusations that Val is harassing staff at the boys' school. Also states that Mike's employer takes out a restraining order on Valerie; however, Val never received a copy of a restraining order. She only contacted Mike's work to enquire about payment from Mike's retirement fund that was supposed to be provided to her several months prior to actual payment. She also contacted his work place on one occasion when the boys had not shown up for a visit at the Children's Home and Mike had taken them out of town. She could not verify their whereabouts and contacted his work place to see if he had returned to work yet.
- P7 - No indication that the CM ever interviewed the children regarding any allegations of abuse, however, relied on SRS's findings of reports.
- P7 & P8 - Reports of observations at the Wichita Children's Home with concerns of abuse reported by Jackson.
- P9 - Inconsistencies in reports of what boys witnessed/acted out at their father's house (refers to CD recording).
- PIO & P11 - interviews with staff at Children's Home to clarify statements and observations. Father's statements are inconsistent with Children's Home staff and there is indication that father talked to the boys at home about an incident where Jackson was "humping" Jacob at the Children's Home and then became very upset

and throwing things. Father was also observed on many occasions while in the waiting area of the Children's Home to have both boys sitting on his lap, gyrating and rubbing on each other.

- P12 - concerns about boys' statements that sometimes father puts cream on their privates when they have sores. Dr. indicates there has not been a need for cream on privates since 2006.
- P13 - Jackson stated to therapist that father uses paddle to whack him on the back of the head with the little one, and hits his butt with the big one.
- P 14 - reports of observations by Wichita Children's Home staff during supervised visitation - concerns reported about father kicking Jackson, he fell on concrete and hit his head; Jackson becoming upset and banging his head on the wall; Jackson sexually acting out toward brother in front of staff, then becoming emotional, crying and running to hide; observations that boys were sitting inappropriately in their father's lap, gyrating and rubbing, with father while waiting for visits with mother - this was observed on several occasions.
- PIS - Psychologist details contradictions that SRS claims Family doctor's report "lacked detail", however, he quotes details from doctor's report of things the boys said to him when seen for small round bums on their bodies.
- P16 - Father brings "wrong child" to interview with Psychologist after Psychologist stated that he wanted to talk to Jackson alone without his brother present. Jacob was brought to the interview.
- P17 - Transcript of interview by EMCU detective with Jackson. Implies that the detective understands Jackson is worried that his father will touch him again sexually and asks her how to get him to stop.
- P 18 - Psychologist notes that none of the professionals he interviewed had ever seen mother coach her children about allegations of abuse.
- P19 & P20 - Report of correspondence between limited case manager and therapist for boys regarding allegations of father being physically abusive. CM states "just can't catch him at it". Also report of communication between agencies that is less than professional- this refers to CM and EMCU detective.
- Psychologist states that EMCU/CM have "tainted people's opinion of what is happening in this family".
- P21 - Psychologist states that children are doing worse since separated from their mother and states that the children need to be removed to foster care stating there is enough evidence that some type of inappropriate sexual activity has occurred between father and the children. It also appears that there has been excessive use of harsh discipline and intimidation of the children. He goes on to make recommendations for therapy, psychological evaluations, etc. for all family members.

Document #3, 4548 OOI.pdf - Petition from the court to remove children from the home:

• J-3 - Father signs affidavit stating mother is abusing drugs/alcohol and jeopardizing the children. Father never had consequences for filing false affidavit - none of those things were ever proven. Says father filed first for divorce, but mother filed first, cancelled that divorce, then when she went to file again after threatened by father, he beat her at filing by 30 minutes.

• Left out of this petition is the January 11, 2008 court order written by CM that stated respondent and her family could not report abuse to authorities or she would lose parenting time and/or parental rights of her children. Also left out is that the GAL appealed to the court in August, 2009 and asked for an ExParte order to remove the boys due to suspected abuse and the judge refused. At that time he appointed the Psychologist to intervene.

• J-6 - States that the court incorporates the Psychologist's report into its order by reference, and that it specifically adopts his recommendation that the children be placed in SRS custody as there is enough evidence to suggest that some type of inappropriate sexual activity has occurred between father and the children. \* Now SRS is telling mother that the only reason her boys are in SRS custody is due to physical abuse allegations. Mother received a letter recently from SRS stating that the allegation of physical abuse was "unsubstantiated". The SRS case worker denies that there are concerns of sexual abuse according to "her records".

• J-6 - states that mother was told in January, 2008 that she could not "discuss" allegations of abuse with professionals, school and etc. However, the CM actually stated that she could not "report abuse" to these people Also, it is ILLEGAL to bar anyone whose job it is to protect children from making SRS reports, including parents.

• J-7 - talks about father's workplace obtaining a restraining order against mother.

Mother was never served with a restraining order and to date has not seen one.

• J-8 - States that mother never filed a motion with the judge when disagreeing with orders the CM filed. Mother tried many times to reach her attorney for advice on what to do when she received the January, 08 court order and her attorney did not respond to several requests from mother.

• J-10 - There are untruths stating that "mother is mentally ill and does not regularly take her medication". "She lives from place to place". "The boys were burned with a Bic lighter (not sure where that came from - there are pictures of the boys with small round bums that look exactly like cigarette bums on them). It alleges that mother burned the boys on purpose to get the boys away from father.

• 112 - List of prior allegations of abuse. Note: Jackson reported to daycare provider that "my stomach is sick from finger fucking". This report was "screened out" which means that they never investigated it!!! There could have been physical evidence such as semen from father sexually abusing him, but SRS did not even investigate!

• J-13 - continuation of things that accuse mother of abusing drugs/alcohol, being mentally ill (even though they don't have a diagnosis from a Mental Health Clinician for a mental illness - her own therapist doesn't provide a diagnosis either).



- J-14 - States that Wichita Children's Home made one SRS report - they made 2 SRS reports and on a 3rd occasion they contacted WPD with concerns for the boys' safety.

Note to the record: This reporter is a Licensed Master Social Worker and currently works as a School Social Worker for USD259 in Wichita, KS. I have had work experience at Wichita Area SRS investigating Child abuse; at Family Consultation Service providing Outpatient Therapy for children and families - many of whom were involved in foster care and adoption; at Sedgwick County Adult Detention Facility (I continue to work there PRN) in the Mental Health Dept. doing intakes, assessments, and suicide watches for inmates. I was an adjunct professor at Newman University in 2007 and 2008. I also lead a Divorce Recovery Group at my church.

Debbie Wilson, LMSW

November 24, 2009

RE: Valerie Rosproy Case

To: Mike Kiegerl, Chairman, Kansas Joint Committee on Children's Issues

From: Deborah E. Wilson, LMSW

Testimony for Valerie Rosproy Case:

Credentials:

I have a Bachelor's degree and a Master's degree in Social Work, both from Wichita State University. I graduated in 2002 with my Master's degree and passed my Licensing exam in July, 2002 to become an LMSW (Licensed Masters Social Worker). This allows me to diagnose and treat mental health disorders in the state of Kansas.

I currently work as a school social worker for USD259. I have been employed there since September, 2005. Prior to that I worked at the Sedgwick County Adult Detention Facility in the Mental Health department doing intakes, suicide watches, rounds, wellness checks, group therapy and case management for inmates. I continue to work there PRN. I worked for Family Consultation Service from July, 2002 through September, 2005 as a School-based therapist and in the out-patient clinic as a therapist. Prior to that I worked for Wichita Area SRS (Social and Rehabilitation Services) in Children and Family services doing investigations of abuse and neglect. I worked there as a practicum student during my Bachelor program in 2000 for about 6 months, then was hired on full time in December, 2000 and worked for about 6 months until I began my master's program at WSU.

TESTIMONY:

I have known Valerie Rosproy for approximately 2 years. We were acquainted with each other for about 1 year when she shared with me that the limited case manager on her case had written a court order stating that neither she nor her family could report abuse or neglect of her boys to the school, dentist, therapist or SRS or it would be grounds for removal of her parenting rights for shared residential custody, and could result in "permanent loss of residential supervision".

On March 8, 2009 I filed a complaint with the Behavioral Sciences and Regulatory Board (BSRB) that oversees licensed social workers in the state of Kansas against the limited case manager on this case for HIPAA (privacy) violations. Their response to me on April 15, 2009, stated that "the (case manager) was acting strictly as a court appointed case

manager” and that “the avenue for remedial action in this case belongs with the court”. The case was dismissed and no further action taken.

On March 9, 2009 I filed a complaint with the coordinator of case managers with the Counseling and Mediation Center. I did not receive a response until after I wrote again on May 3, 2009 and sent a “cc” to the presiding Judge in Family Court. His response to me dated May 8, 2009 stated “I must confess that I am surprised to read the BSRB’s attitude concerning your complaint. It would be my view that where a licensee acts unethically or contrary to the practice standards for the BSRB, that it would be appropriate for the Board to conduct such an investigation. Our court is not equipped or staffed to conduct its own investigation of case managers who are appointed to various cases.” The judge suggested that I contact counsel for Valerie Rosproy and be added to the witness list to testify under oath concerning my allegations.

On April 24, 2009 I filed a complaint against the limited case manager with the Kansas Attorney General in Topeka, Kansas. I explained the previous 2 complaints that I filed against the CM and included the responses I received regarding them. The response I received from their office was that “the Attorney General has no authority to investigate or review the decisions or actions involved in the state child custody system, including those made by district court judges, court personnel, professionals appointed by the judge, employees and contractors with the Department of Social and Rehabilitation Services, local law enforcement officers and district attorneys. In pending litigation, including child in need of care cases, the parties are responsible to raise their concerns to the judge, and if dissatisfied, file an appeal of the ruling with the appellate court”. It seems to me that there is a lot of “passing the buck” when it comes to someone holding limited case managers responsible for their actions, and being able to have them punished or removed from a case when there is wrongdoing. I was appalled to learn that no one is overseeing what has become a very powerful position within our court system when it comes to the welfare of children who are caught in the middle of their parents’ divorce. This case manager actually wrote her own temporary court orders.

On March 31, 2009, I attended court with Valerie regarding the temporary court order to suspend her parenting time and also a request to have the case manager removed from the case. The case manager refused to be removed from the case that day in court!

In March, 2009, Valerie began having supervised visitation with her boys at the Wichita Children’s Home. However, the case manager did not set up visits until 2-3 weeks after the boys were removed from her care and placed solely with their perpetrator. Their behavior and emotional state declined, especially that of her older boy who was the primary victim of his father. At one visit on August 1, 2009, the younger boy was hugging his mother when they entered the room, and the older boy came up behind the younger one, motioned like he was pulling his zipper down and made a motion like he was “humping” his brother. When his mother reacted negatively he ran and hid behind a chair and began crying. Eventually, the Children’s Home made 2 SRS reports and at least 2 police reports, but the boys still were not taken from their father. EMCU had the final decision about whether or not to act on the reports made at this time.



Valerie was promised an "evidentiary hearing" in which she could call witnesses and present depositions from witnesses, but it never happened. Her attorney also promised her many things that did not occur. She did not return phone calls in a timely manner. She did not inform Valerie of court on September 10, 2009 when the boys were taken from their father and placed in police protective custody. The most damning action (or inaction) by her attorney is the fact that Valerie's attorney did not respond to her request to object to the court order in January, 2008 that gagged her and her family from making any future SRS reports. Valerie tried several times to reach her attorney by phone and email about this. She did get a meeting with her attorney's assistant, but there was no mention that Valerie could object to the court order, even after Valerie stated plainly that she wanted the case manager removed from the case.

The court did not give Valerie a 72 hour hearing after the boys went into state's custody. She did not get a visit with her boys for about 4 weeks after they went into SRS custody. The removal of the boys from their father was based on a Psychologist's recommendation that the boys be put in state's custody due to suspicion of sexual abuse and/or inappropriate exposure to sexual things. However, SRS is currently stating that this is not the case. They hold fast to the idea that the boys were brought into care based on physical abuse. However, they have "unsubstantiated" both physical and sexual abuse. So my question is why are they still in state's custody if they determined there was no abuse? Also, how they continue to keep these boys from their mother.

Over the history of this case, SRS has failed to investigate several reports of abuse appropriately. The case manager herself failed to report abuse after she was made aware of it. Also, the detective that interviewed the older boy did not address a clear statement made to her when the child asked her how to get his father to stopping touching him there? The detective replied, "You mean with the paddle, or what?" And he responded, "For touching my privates, what could I do?" This was taken from a transcript from EMCU. Nothing was ever done to follow up on this statement, once again leaving the boys in the hands of a perpetrator when there is evidence of past sexual abuse.

One time the boys both came back from a visit with their father and small, round, symmetrical burns on their bodies. SRS did not come out to investigate until almost 3 weeks after the report was made. SRS's protocol is that they are required to investigate physical marks on a child within 24 hours of the report. This did not happen, and the abuse was later unsubstantiated. The boys were about 4 and 5 years old, and after that much time had passed, it would be very difficult for them to remember what happened, verbalize it, and for anyone to observe the marks as healing has occurred. This would make it very difficult to substantiate abuse!!

During the summer of 2009 a Guardian Ad Litem (GAL) was assigned to this case and he went before the assigned judge twice to ask for an ExParte order to remove the boys from their father. Valerie's attorney and the Dispute Resolution Coordinator were also present for this. The judge denied both requests. At the 2<sup>nd</sup> request, the judge asked that a neutral Psychologist become involved and interview the boys, parents and others

involved in the case, and if he agreed that the boys needed to be removed then he would allow it.

On August 7, 2009 I wrote a letter to the judge who presides over Family Court once again. This letter outlined the history of this case and the negligence of the court/judge by doing nothing at all to protect the boys in the event that the allegations had some truth to them. The judge on the case even denied a request that mother receive more visitation time; she was only allowed 1 hour per week at that time. I expressed concerns that the case manager mishandled this case and that the boys are still with their perpetrator. I asked the judge to either influence the judge assigned to the case (as he is his superior) to remove the boys from their father's home, or transfer this case to another judge. His response to me on August 13, 2009 was that I "should make my concerns known to Valerie's counsel". He stated that it is contrary to the rules of judicial ethics for him to attempt to influence another judge in a case and that my request to have the case transferred to another judge would have to come from one of the parties.

A copy of the same letter dated August 7, 2009 was cc'd to the Governor of Kansas, all the judges in Family Court except the judge assigned to this case, the Dispute Resolution Coordinator, and a blind carbon copy was sent to the Sedgwick County District Attorney. All correspondence was sent by certified, return receipt requested mail. I did not receive a response from any of the above-named persons; however, Valerie's attorney demanded that I stop writing to the judge, stating that I was damaging this case. She never gave a specific reason or explanation of how I was damaging this case, but I suspected there was a reason she wanted me to be quiet. She later told Valerie several times that she needed to "disassociate" herself from me. She went on to promise Valerie that she would work for her Pro Bono, but then quickly removed herself from Valerie's case.

In conclusion, the way this case has been handled has done damage to the boys. The sad truth is that there are many more children experiencing the same thing. They are hostages of the system that was set in place to protect them. We must stand up for innocent children and be a voice for them!! I have seen first hand what abuse, neglect and the foster care/adoption system have done to many children. Most of the inmates I meet in the Sedgwick County Jail have been abused or neglected. Many of them have been in foster care or adopted. Most of them grow up using drugs and alcohol to mask the horrors of their past and they all suffer emotional pain because of it. We have the opportunity to do the right thing, or the wrong thing for children.

## Martha Dorsey

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**From:** oletha29th@aol.com  
**Sent:** Monday, November 30, 2009 10:35 AM  
**To:** Martha Dorsey  
**Subject:** Fwd: Letter

-----Original Message-----

**From:** Cecillia Arnold <cecilliaarnold@yahoo.com>  
**To:** oletha29th@aol.com  
**Sent:** Sun, Nov 22, 2009 4:53 pm  
**Subject:** Letter

Hi my name is Cecillia Arnold. I'm a 23 Year old Medical Assistant. In 2006 there was a CINC petition filed against me due to being a victim of domestic violence, which resulted in the removal of my children (Ja'mesha Cooper & Justyce Dotson). Trisha Knoll was the Assistant DA on my case. After a stretched out process of court proceedings and completeing court orders my children were finally reintergrated home. There was a reintergration plan in place and DCCCA was the courts contracted service provider. (Also I want it to be recognized that at the time of reintergration Trisha Knoll was not on my case due to her being on maternity leave). After my children had been home for about 6 months they were removed from my care again which this time the Assistant DA filed a motion for termination, and after a trial the termination was granted. Although the reintergration was going great and there was no concerns expressed from DCCCA through out the time of my children being home, once Trisha Knoll returned from maternity leave all of a sudden concerns arised. When my children was home there was times when I tried to contact DCCCA and never got a response. The case workers had changed several times and sometimes I would have to contact old case workers to see who was working my case. After making phone call after phone call and getting no response I would have people witness me trying to contact DCCCA to cover myself in case it was said I did not follow orders. After still getting no response I would go to DCCCA to make physical contact in which at the trial the states own witness (Carolyn Wildman) stated she had seen me at DCCCA one day and I told her I was trying to find out who my case worker was so that I could turn in documentation and update information. With that being said the reason they gave for removal this time was that I did'nt follow the reintergration plan and did not keep in contact with DCCCA. I find it strange that if I was not following the reintergration plan and if I was not keeping in contact with DCCCA, why was that not reported by DCCCA, why was'nt there any concerns until the Assistant DA returned to work. The Assistant DA told DCCCA she was concerned of the relationship with me and John and thats when the concerns came. John is my ex, my youngest girls father. Why this alligation was made I don't know. Before the girl was removed from home the first time John was in jail for jumping on me and was not released until after the girls had been reintergrated home. He served time for the crime he committed against me and when he was released I had no contact with him. There was never any reason for there to be any mention of a relationship between me and John as there was no chance of a relationship reoccurring. There was all kind of inaccurate information given to why my children was removed. Rather it was a concerns of a relationship with John or me not following the reintergration plan, both reasons were false. Also at the trial it seems as if my witnesses testimonies was not even heard. These witnesses was'nt just friends and family (examples) Jocelyn Goerzen ( former foster parent) testified to her experience with DCCCA and also her opinion in my parenting and how my children blossomed once they were back home with me and how she seen me several times trying to make contact with DCCCA. Kay Jones ( my oldest daughters teacher) testified to how I was concerned about my daughters education and meetings we had in in regards to her learning and ideas we came up with to try to make sure that she progressed. Trisha Knoll abused her authority and turned it around to where the ball was dropped on me. Through out my case one thing they said I needed to do was learn to accept responsibility for my own actions and quit blaming others... Well why is that DCCCA did not do their job but when it came time



to accepting responsibility for their own actions they did not practice what they had preached, they blamed someone else (me). In the judges closing statement at the trial he said, "character is not defined by what someone does when someone is watching but what someone does when there is no one around." Well how is that Trisha Knoll stands up in court and claims that shes acting in the best interest of a child but behind closed doors shes forcing people to say things that are not true and having documentations falsified to keep children from their families, again not practicing what is preached. I'm sure when the system was designed it was designed for a good cause, to keep children safe and help families through their situations, it was really designed in the best interest of a child. But some where down the line it became about the best interest of money and power, just the same as a crooked cop. I can't speak for everyone, I can only speak for myself, I have been more than wronged, my life is incomplete, and there is no reason why my children should not be with their mother. I NEED HELP! I made my girls a promise that I would fix this.... That I got them home the first time and I would get them home this time, because my rights have been terminated I can't do it on my own, I need help. I'm doing everything in my power to keep my promise, I can't give up. One thing that keeps me going is to know that whats done in the dark will come to the light and also more to know that the world did'nt give me my children, and the world can't take them away. There was no reason to remove my children the first time, my abuser was in jail and the relationship was over. There was no reason to remove my children the second time, the reintergration itself was going well. And there was surely not enough evidence to terminate my rights. I honestly need someone to look deeply into my case to help me get my children home. If anyone can help me and there is any additional information needed in reference to my case, please contact me and let me know. My home phone is 682-323-4722, my cell is 817-715-0638 and my e-mail is [cecilliaarnold@yahoo.com](mailto:cecilliaarnold@yahoo.com). Thank You!

My husband, Jim & I are foster parents. We have been fostering children since November 2004. We've had approximately 14 children through our home in the last five years.

A three year old boy was placed in our home on August 2, 2008. He was moved to our home when he was disrupted from the first family he was placed with in May 2008. He has two older brothers who were placed at a different home. At the time of placement, they were ten & twelve years old.

Jack\* was a perfect fit for our family & did very well. He is a lovable child. He shares a special bond with my husband. He adores Jim & the feeling is mutual. We have a seven year old son that we adopted. He was placed in our home when he was four & the adoption was finally official on February 24 2009. Brendan & Jack get along very well. Sometimes they fuss but it doesn't last long; just like any brothers do.

In April 2009, parental rights were terminated. Jack's case worker asked us if we would be an adoptive resource. We said yes we would. We wanted very much to adopt Jack. Later, Jack's caseworker said that we were approved to adopt. She said she would have to do a sibling split but that it was just a matter of paperwork.

In the winter of 2009, our agency lost the contract with the state of Kansas to provide foster care services. The contract went to the other agency effective July 1, 2009. The sibling split was not completed & nothing concerning Jack's adoption went forward. All of the foster care cases went to the new agency. I don't know about other cases, but it seemed Jack's case was stalled. Any additional work on the adoption would be completed by the new agency.

A caseworker at the new agency was assigned Jack's case. She came to our house for the first visit. We didn't notice anything out of the normal. Jack was glad to see her. He ran up to her excitedly & hugged her. Jack is very affectionate & runs up to many people to hug them. He did this countless times when I took him by my place of employment so some of my co-workers could meet him.

The caseworker was at our home for the next month's visit. Again, nothing out of the normal. She advised us she thought Jack was doing very well & that she had no plans to move him. She said the aunt & grandmother in Florida were asked if they would want the boys. Nothing for certain there, but she didn't think that would work out. It would be best for the boys to be together there, but neither the aunt nor grandmother wanted all three. She said neither the aunt nor grandmother knew about Jack, only the other two. We didn't believe that & thought there had to be a miscommunication because our agency had

Unfortunately, our 7 year old son was with us in the car when we received the phone call from our caseworker. He knows we don't know why Jack was removed from our home. Our son was terrified that someone would come to the house to take him. He was in the foster care system for over half of his life before he was adopted by us. My husband & I were also concerned that SRS would come to take our son because we had no idea why Jack was taken. SRS doesn't have children taken out of the foster parents' home unless it is something very serious. We knew that & our case worker told us that on that Friday afternoon.

We found out later that Jack's caseworker was never supposed to be at the other foster family's home until 11 am. Apparently after she picked Jack up from our home, she stopped at her office so that KDHE could interview Jack.

A review hearing for Jack & his brother was scheduled for 10/26/09. Since Jack had been in our home for 14 months & we had planned to adopt him, we filed a Motion to Intervene through an attorney. We attended the hearing but it was cancelled because our Motion to Intervene must be heard first. The judge asked why Jack was removed from our home. Jack's caseworker stood up & told the judge he was removed from our home on an emergency basis because of allegations of physical abuse.

My husband & I were dumbfounded. Physical abuse? Who would call in such an allegation? Jack was never physically abused by us or anyone else that we were aware of. The only time he wasn't with us was when he was at daycare, Sunday School or Wednesday night activities at church.

We did not find out until 10/26/09 what the allegations against us were. 1. Jim had mail in his hand & hit Jack on the head with it so he would stop ringing a bell. 2. My husband, Jim was accused of spanking Jack at T Ball. The investigator from KDHE advised that SRS screened it out because it was not considered abuse & they just passed it on to KDHE because it is considered a rule violation. The investigator told us there were no physical abuse allegations against us, only a rule violation. It was then that we realized that Jack's caseworker lied to the judge when she told her that there were allegations of physical abuse against us. The investigator also advised us that he received the report on 09/11/09. The caseworker had told the judge Jack was removed on an emergency basis. It was over 2 weeks later that Jack was taken. How is that an emergency? I won't go into detail regarding the investigation part that day but I do have it on tape. We were not notified until 11/21/09 what the outcome of the investigation was. Of course we were cited for a rule violation. We gave the investigator the T Ball coach's name & number so he could speak with him. Jim did admit that he tapped Jack on the head. According to KDHE, there is no difference between tapping & hitting. If you



Children's Issues  
Date:  
Attachment:

11/30-12/01/09  
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My Name is Amanda Coppenbarger

I have 3 children which all have been taken from me on August 5, 2009. CPS has taken them based on a bogus charge of Emotional Abuse. Before they were taken I was in contact with CPS since July of 2008 on a regular basis concerning Sexual Abuse that my daughter age 11 has stated her step grandfather did to her. I was told up until August 5th, 2009 that I was handling everything correctly.

After the report of abuse to my daughter that was reported by me in July 2008 my now ex-husband tried to kill me on April 30th, 2009. I told him to leave, he did because he had served a year in jail already and there was blood dripping down my leg, and bruises on my neck and back. I did not call the police to protect my children or myself because I feared that I would be looked at as wrong for having him in the home even though CPS had told me at a sexual abuse investigation that it would be better if he was back in the home. I was told that it would "look better for the case" since we were still married.

Two weeks after my husband tried to kill me, CPS contacts me and tells me that a report had been made that I "went crazy" on my husband, and CPS wanted to know what really happened. I pulled up my shirt and showed the bruises that were still on my back, and the scar on my leg. I then filed a PFA, and for divorce. After that, I began receiving telephone messages from my husband wanting to talk to me and asking me "why was I doing this"? He already has 8 counts of domestic violence and was worried that he would be going to jail for a long time. All I had done was report what I should have reported on April 30th and was doing so at the advice of CPS.

July 17th, 2009 there was a report made that my two stepsons had reported to CPS that I had told them to make up a lie regarding the sexual abuse case against my stepfather. CPS has reports on the two step sons sexual abusing a 6 year old child on 3 different occasions, which nothing has been done to protect this child. During this time after my stepsons & ex-husband made this report; I was still in contact with CPS on a regular basis and did everything they asked of me. At no time was I ever told any concerns but to keep doing what I was doing.

August 5th, my kids were taken. August 6th, I was questioned by a detective. I told the detective that I don't know about the sexual abuse case and that CPS, the detectives, and my daughter's therapist were handling the abuse case against my stepfather. I never "coached" my kids; I did what I was told to do by CPS, which was to encourage my daughter to talk to her therapist, tell her that she was brave, take her to therapy and to all interviews. I was to continue in my therapy and have in home family counseling once a week.

Before the incident with my ex-husband, all professionals came to my home on a regular basis' telling me how terrible it was what has happened to my three girls, and my two stepsons. Since then I have been called nothing but a liar that is unable to emotionally take care of my children. I did not receive my 30 day deposition hearing with tasks and permanency plans.

After two months of my children being taken, I received my task plans (which have been completed) and only a permanency plan with my 11 year old. In October there was a hearing and my two younger daughters were going to be sent that day to Branson with my ex-husband that has 8 counts of domestic violence and served 1 year in jail. I have NO criminal record except a speeding ticket in my 32 years. I have appealed the emotional abuse charges.

My children are being held for no reason. I have taken a psychological I & III, and I am not an eminent harm or danger to my children. I have recorded CPS telling me that I am currently doing everything that I need to be doing, I have completed my tasks, I have great visits with my children and have attended all of them, I am implementing discipline properly, but I have to wait

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until court to see "what is in the best interest of the children", referring to whether or not my 2 younger children will be going to Branson with my ex-husband or not. I have a permanency plan with my 11 year old, but not with my 3 year old or 20 month old.

I am very concerned for my children who have specific medical needs that are not being taken care of by their foster parents. The 2 younger ones have had ear surgery and the foster parents refuse to use the medicine I have provided them from their primary doctor since my children have been in their care, which has resulted in an infection. I had mentioned to the foster parents again about their ear medication a week before my daughter was getting an ear infection and she chose to ignore it again, and by the following week my daughter had a full blown ear infection. Because of my daughters' ear surgery and having ear tubes, letting these infections go can cause permanent damage and hearing loss if not treated. On a visit last week I was changing my daughter's diaper and found that she had a bad rash and was bleeding which I took a picture of and asked the foster mom why she was not using the medicine I provided. She said she would research it on the internet. I have asked again for them to be taken to their primary care physician and the foster mom refuses. I have explained that not treating their ear condition could be causing them hearing loss for not using the Ofloxin drops and she said they do not need them, yet my girls are still complaining of their ears hurting during our visits and there is visible fluid from the infection coming out of their ears.

On a separate occasion, the foster parents did take my 11 year old daughter to the emergency room because she was bleeding from her private area. I asked the foster parents if they had been giving my daughter the MiraLax as she was proscribed by her primary care physician and they told me they had not been giving it to her because they decided she didn't need it any longer. This caused my daughter undue pain and discomfort that the foster parents could have prevented if they had followed the advice of the girls' doctor.

Thanksgiving 2009, CPS allowed my mother and stepfather, who was the accused in my 11 year old daughters' sexual abuse case, on an unsupervised visit in order to take them to a Thanksgiving event at their church, which is not my church or my daughters' church. This was not approved by the court and to date I have not been able to even have any kind of outside visit whether it be supervised or unsupervised.

During the entire time of this case I have made sure to have my daughters at every counseling visit including family counseling. Since they have been in custody of CPS I have attended every visit with my children and have been told by CPS that I am doing everything right and the visits are going great, which I have an 11 minute tape recording of them telling me this.

Alexis Dawn McGee, 10-20-1998

Ashley Diane Coppenbarger, 11-09-2006

Brittany Lynn Coppenbarger, 03-03-2008



6-4

Clarence and Marian Wonsetler  
32799 Manor Road  
Paola, KS 66071  
913-256-2231  
Case #05JC39

04-04-09

To Whom It May Concern:

Regarding Cassondra Wonsetler, age 8 yrs. old

We believe SRS and CPS Private Contractor have violated our civil and constitutional rights.

Even though my wife and I were approved for placement of my granddaughter, Cassie, agencies in Kansas placed her in approximately 8 different foster homes with strangers. We were told that we could not have our granddaughter because we were too old. Discrimination of any kind should not be tolerated. This is against our constitutional and civil rights and should not be tolerated by the state or federal government.

During those 8 different foster homes, our granddaughter, Cassie, told us horrible stories that happened to her while she was placed out of family care into foster care. In one foster home, Cassie was made to stay in a bedroom while the foster home family ate their meals and then when they were finished eating, Cassie was allowed to come out of the room and eat. Cassie almost drowned in a lake when she was pushed out of a boat while the foster mother was asleep in a tent. Cassie has been traumatized to this day because she told us that in one foster home, the foster children handcuffed her hands behind her back, grey tape put across her mouth and then she was placed into a dark closet for a long period of time. This is just a few of the things our granddaughter, Cassie, has told us about foster care. Cassie should have been placed in family care where she would have been loved and cared for. I do believe that Cassie was not placed in our home due to the money these individuals and agencies received from the government.

We were finally able to get Cassie back into the home but only after having to payout approximately \$10,000.00 in legal fees in order to accomplish what should have been our and Cassie's legal rights from the very beginning. Cassie was threatened not to discuss the abuse she endured while in the care of Kansas Foster homes.

These are crimes against humanity and should be stopped and changed so it never happens to another family.

We would like to be included in any action taken against SRS and KVC.

Our case is no longer in court, but we would are here to bear witness to the atrocities that continue to occur to thousands of children in the state of Kansas.

My son Brian Wonsetler has submitted his written testimony. There has been no investigation done in this case.

*Joint Committee on*

Children's Issues

Date:

11/30-12/01/09

Attachment:

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Clarence and Marian Wonsetler  
32799 Manor Road  
Paola, KS 66071  
913-256-2231  
Case #05JC39

04-04-09

To Whom It May Concern:

Regarding Cassondra Wonsetler, age 8 yrs. old

I am the grandfather of Cassie Wonsetler. I have been in constant contact with Cassie since she was born.

Cassie was removed from her home without notifying her father, Brian Wonsetler. My wife and I had to contact him and let him know that CPS had removed Cassie, without any investigation.

Even though my wife and I were approved for placement of my granddaughter, Cassie, agencies in Kansas placed her in approximately 8 different foster homes with strangers. I have worked at F.T.S. for 11 years. My wife is a housewife. CPS and a caseworker told us that we were too old to take care of Cassie in our home. I believe that discrimination of any kind should not be tolerated.

CPS and a caseworker never told us that we could get Cassie into another family member's home. We have a family member (a cousin of Cassie's) that was a foster care provider at the time. The cousin who was already a foster parent called her caseworker and spoke to her about getting Cassie. Two days later, they came into the cousin's home and took all three of her foster children and the one little boy that they were adopting. The private contractor told the cousin that they would no longer allow her to be a foster parent. Could this be a coincidence?...I believe it was retaliation and that the caseworker had a preset agenda that Cassie would be in a non-family member foster home from the very beginning.

Cassie was in 8 foster homes in over two years before we got her back home. After we were able to bring Cassie back home, Cassie, told us horrible stories that happened to her while she was placed out of family care into foster care. In one foster home, Cassie sometimes was allowed to eat with the foster family and sometimes she couldn't. Cassie was pushed out of a boat into a lake while the foster mother was asleep in a tent and Cassie almost drowned. Cassie has been traumatized to this day because she told us that in one foster home, Cassie's hands were handcuffed behind her back, grey tape put across her mouth and then she was placed into a dark closet for a long period of time. To this day, Cassie cannot go into a dark room without becoming hysterical. In another foster home, if Cassie did not pick up her toys, the foster parents threatened to throw the toys away. This is just a few of the things our granddaughter, Cassie, has told us about foster care. Cassie should have been placed in family care where she would have been loved and cared for. I do believe that Cassie was not placed in our home due to the money these individuals and agencies received from the government.

When Cassie was in one foster home, she was in a car wreck. Cassie's caseworker didn't let our son, her father, know until the next day.

7-2

I would like to ask the private contractor what consequences did these foster homes receive for what they did to Cassie. I think every foster parents should be investigated and visited weekly to make sure they are taking care of the children properly. The caseworkers should visit with the children separately away from the foster parents in order to find out the truth about how they are being treated in these foster homes.

While in foster care, Cassie was placed on mood altering drugs to make her "calmer". Cassie never needed these medications when she lived in her home. While Cassie is on this medication, she doesn't want to eat. Now the caseworker wants to put her on more meds to make her eat.

When Cassie went into a hospital to get her teeth fixed, CPS nor the caseworker let us know. If the hospital hadn't called us, we wouldn't have known about it. Our son (Cassie's dad) couldn't even be there because the judge ordered him not to see her. It was a year from the time that CPS took Cassie from her home and put her in foster care before her father, Brian, was even allowed to see her.

We were finally able to get Cassie back into the home but only after having to pay out approximately \$10,000.00 in legal fees in order to accomplish what should have been our and Cassie's legal rights from the very beginning. Cassie was threatened not to discuss the abuse she endured while in the care of Kansas Foster homes.

Over 2 years after Cassie was removed from her home and placed in foster homes, my wife, her sister, Tabby and I went to Topeka to talk to a private contractor to make a complaint on CPS and Cassie's caseworker. The private contractor wrote down everything that we told her. The private contractor faxed the paper to a private contractor in Overland Park, who, in turn, sent a letter to my wife and me. We gave this letter to our lawyer and our lawyer gave it to the judge. When the judge read this letter, she told CPS and the caseworkers that she "couldn't hold Cassie hostage any longer". The judge stated that our son, Brian, Cassie's dad had done everything that they wanted him to do.

These are crimes against humanity and should be stopped and changed so it never happens to another family.

We would like to be included in any action taken against SRS and the private contractor.

Our case is no longer in court, but we are here to bear witness to the atrocities that continue to occur to thousands of children by CPS and the private contractors.

My son, Brian Wonsetler has also submitted his written testimony. There was no investigation done in this case before removing Cassie from her home.

Clarence Wonsetler

April 4, 2009

RE: CINC Case #05JC39  
Cassandra Wonsetler  
DOB July, 18 2000

To Whom It May Concern:

My name is Brian Wonsetler, the father of Cassandra, Cassie, Wonsetler, 9 years of age.

My case began in 2005. My daughter, Cassie, was taken from me without investigation by CPS/SRS, and I was notified by my parents. I was never deemed unfit, nor was Cassie ever proven to be in imminent danger.

During the first 10 months after a private contractor caseworker removed my child from her home, I continued to maintain medical insurance on her. This information was not requested by the institution that ordered Cassie removed from her home. During this time the institution placed Cassie on Medicaid for medical treatment instead of using the private insurance I had been diligently paying for. It is my understanding this is Medicaid Fraud!

Over the course of the two and a half years Cassie was in foster care, the institution placed her on the mind altering drug Methylphenidate. This drug caused my child to have a loss of appetite, therefore a new drug, Prednisone, was introduced. This medication did not increase her appetite. My child had never diagnosed with any medical conditions until CPS/SRS obtained custody. Cassie had always been a happy, healthy and active child until these drugs were introduced; now she is a completely different person. She is very frail, suffers from withdrawal, has suppressed memories from the timeframe she was in the States care. I was never given a medical reason as to why the drugs were introduced. Nor do I know the negative ramifications this will continue to inflict upon my child.

Cassie was moved into 7 foster homes over the course of two and a half years. Cassie has found the courage to communicate some of the atrocities inflicted upon her. She was not allowed to participate in family meals, but was forced to wait until the biological family members had completed eating, and then she was allowed to eat. Cassie was handcuffed, duct tape was placed over my child's mouth, and she was forced into a closet. Cassie also suffers from a phobia of anyone touching her neck. It causes her to become hysterical. There are many other indicators that she is suppressing memories of additional abuse. Cassie also reported being pushed off a boat while the foster parent was sleeping and almost drowned.

My parents were informed that they were not allowed to have custody of Cassie because of their age, yet my father is actively working for a school district. I beg the question is this age discrimination?

Two and a half years and \$10,000.00 later my child was returned to her home. The emotional and physical scares she has inherited by the unsubstantiated removal from her home, and drugs she was forced to take may never be removed. Please help me to understand how the family unit is endangered of becoming extinct. What happened to family first? Where is justice for children to stay in homes where relatives are not deemed unfit, and children are not in imminent danger? Please

7-4

help me to understand why SRS/CPS is not practicing family preservation. I suspect there were financial considerations as well as age discrimination in this case.

Thank you for anything you can do for families, and most importantly children. I am aware this behavior is rampant across our state. It is of epidemic proportion and clearly in not being properly investigated.

I appreciate your time and consideration in this heart breaking fact in the state of Kansas. I will do anything to assist you or any family that is suffering as we have.

Respectfully Submitted,

Brian Wonsetler  
717 Walnut Avenue  
Osawatomie, Kansas 66064  
Phone - 913-246-9026

7-5



To: Whom it may concern

It happened on July 19, 2006 in Paola KS. Cal Valley took my son into custody for a runaway. His name is Scott Sieberhein at the age of 16 at that time. Scott twin sister Ashley Sieberhein turned her self in 2 wks later. One wk after that we had a meeting with Cal Valley and the reason they ~~got~~<sup>went</sup> to take Scott and Ashley into custody because I didn't have health insurance then it switched 2 wks later for runaways. Then ~~th~~ Cal Valley arrest my son for insonima crime. He was in juvilline jail & foster homes for a year and 1/2. My parents were not allowed to be around me or my 2 children. My parent missed out on holidays and birthdays and my ~~grad~~<sup>grad</sup> daughter graduation because Cal Valley would not let them come around or they was going

to lose the battle over my  
niece Cassie. It was wrong  
for Cal Valley to say things  
and turn around and say  
another. We never knew when  
they were telling the ~~truth~~  
truth. They messed this family  
up for 3 yrs and we are still  
trying to put the family  
together. Cal Valley needs to  
be investigated. I would really  
appreciate.

Thanks  
Melinda Worth  
phone # 913-731-3423

**From:** Fred Carpenter (carpenter.house@yahoo.com)

~~Fred Carpenter 05@yahoo.com~~

**Date:** Mon, November 23, 2009 2:05:14 AM

**Subject:**

Fred and Sadie Carpenter,  
16415 W. 129th Street  
913-839-1119

Information regarding Victoria White our great granddaughter

Victoria's mother has been unstable since before Victoria was born. Her mother was arrested for prostitution and child abandonment and put in jail. Victoria was turned over to SRS, who placed her into foster care. We wanted to take Victoria at that time, but the officials wanted Victoria to remain in Wichita so she could stay in close proximity with her mother. They said they wanted her to see her mother a time or two a week. It seemed to make sense. Little did we know what they had in mind. Since I had worked as a Social Worker when I was young I thought I knew how things worked. I didn't know how things had changed. During this time, we spent as much time with Victoria as possible, and developed great love and affection for her. When we saw her, she would repeatedly ask if she could come and live with us. When we saw that her mother was probably never going to be able to care for her, we began to inquire about adopting her.

Victoria was put up for adoption on June 16, 2006, and we began the application process. A representative visited our home, and approved us for adoption. Elated, we began to make preparations to bring Victoria to live with us. However, with no explanation, we received a letter on August 22, 2006, saying that we were not selected to adopt Victoria, another "family" had been found that "would better meet Victoria's needs." The letter also stated that we could 'appeal the Staffing Team's decision' within 30 days.

We hired an attorney and set up a meeting with the 'staffing team' to contest the decision. The meeting was a sham, it was obvious they were not going to listen or heed anything we had to say. We were astounded to discover that the 'family' they awarded Victoria to was the foster woman.

Here are the facts about the foster woman;

- \* She is in her late sixties and divorced
- \* She has no visible means of support, other than caring for foster children
- \* She is a long time smoker, and is an oxygen user
- \* She has health problems including diabetes, and a bad heart
- \* She has a weight problem
- \* She cannot drive at night, due to poor vision
- \* She cannot help Victoria with even first grade homework
- \* She lives in a bad neighborhood, and her house is overrun by cockroaches
- \* When Victoria needs to go places, the people at her church must provide transportation for Victoria.

Here are some facts about Victoria:

She is being deprived of the following:

- \* The opportunity to live in a healthy environment. (She is constantly subjected to second hand smoke, and an unclean house.)

<http://us.mg3.mail.yahoo.com/dc/launch?.gx=1&.rand=4fke>

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Attachment:

\* The opportunity to grow up in a two parent family unit and live a normal life for a little girl. Victoria gets up in the morning and makes coffee for the foster woman, and gets her cigarettes for her, and helps her get dressed. It seems this seven year old girl is a caregiver for an old, unhealthy woman.

\* Contact with family members that would be a positive influence in her life.

\* Growing up in her own race and culture.

\* Living in a safe neighborhood with the opportunity to make friends with children like herself,

Here are some facts about us;

\* We are related to Victoria

\* We own our own home in a comfortable middle class neighborhood, with an excellent school system.

\* We do not smoke or drink, and are in good health

\* I am a retired school teacher and am willing and eager to help Victoria with her homework.

\* We are active in our local church, and Victoria loves our church.

\* We have worked very hard to maintain contact with Victoria and be a positive influence in her life.

\* We have a strong family support system.

\* Mr. Carpenter is retired from the military and has full military health care which would also cover Victoria.

Last thanksgiving we were in Wichita, and Victoria spent two days with us. When we returned her to her house, she sobbed uncontrollably. Now she is not allowed to spend time with us because it is so emotionally wrenching for Victoria. We would like to know what happened to the goal of keeping children with their families. SRS knew what they were going to do with Victoria the minute they took her. A case worker told me that Victoria would be in the system until she was 18. They knew all along they did not intend to let her stay with her family.

Victoria is being denied the right to grow up with her blood relatives, and we strongly object to this. SHE DESERVES BETTER.

8-2





In a hearing on 10 April 2007, I asked yet again that my daughter be protected from abuse and at least have unsupervised visitation. Again the court refused. My daughter spoke out in 2000 2003 and three CPS reports have been filed but in all three, they claimed that I, the mother coached my child and punished both mother and child by restricting visitation time further. The lesson is clear - don't report abuse.

In May 2007, after the International filing at the IACHR, I was enrolled automatically into the States Address confidentiality program Safe at home- I thank the State of Kansas for the program administered by the Secretary of State for victims of Domestic Violence-thereby protecting at least my address from the Abuser and the Courts by proxy.

In June 2007 my daughter's Grandmother had made her last trip to Kansas in her wheel chair and on oxygen bringing with her Rikki's dog to say good bye and to see her grandmother for the last time due to terminal end stage illness. The Court denied the supervised visit with her grandmother but allowed her to see her dog.

November 4<sup>th</sup> 2008 the courts further denied my daughter to even attend her grandmother's funeral In Great Bend Kans.. and the court further gave the batterer complete control in allowing mother to see child even under the strict supervised visitation that had been implemented this past 10 years. The GAL however did give my daughter a 20\$ gift certificate for the death of her granny.

April 2009- I asked again for visitation but was found in contempt of Court for a tribute video for my dead mother and daughter. I was asked to remove the video to which I did on April 6<sup>th</sup> They stated it was all removed and I was compliant with their requests..

October 2009 I spoke on a local television station with District Attorney Chad Taylor regarding Domestic Violence on the rise in Shawnee County. The next day, I was held in contempt of the court and my 'Supervised Visitation' had been suspended.

A 'Supervised Visitation' that I could not afford anyways and had not been able to see my daughter except for a precious few times since the death of her grandmother.

I am not allowed to have photographs of my daughter, or public court documents referencing this case, I am not allowed talk about this case; I am not to mention the violence incurred by the abuser. Even to this committee. Review for compliance is set for December 16, 2009, at 10:00 a.m.

I am not allowed to attend any school functions or to see my daughter; I have not been in any way found to be of harm or other threat to my daughter. If this committee can find out why I cannot see my daughter it would be greatly appreciated. And as to why I must be treated as a criminal and held in contempt and

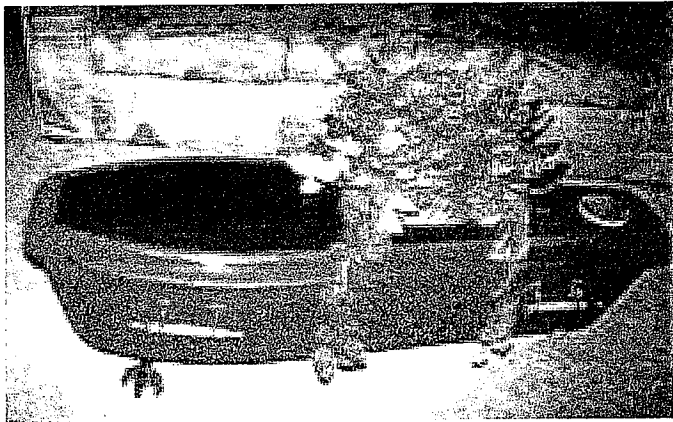
jailed for speaking with you today about the horrific injustice to my daughter and I. Complaints to BSRB, and Attorney discipline, as well as the Judicial Performance en re the Cannons have all been met with the 'rubber stamp of 'no ethics have been violated'.

I pray that when I die the GAL does not give to my daughter 20\$ gift certificate.

Thank you for your time. If I can be of any further assistance to this committee please feel free to call upon me. I sincerely hope this committee can stop the genocide that has beseeched Kansas children.







# Kansas Coalition Against Sexual and Domestic Violence



634 SW Harrison Topeka, Kansas 66603  
785-232-9784 • FAX 785-266-1874 • coalition@kcsdv.org • www.kcsdv.org

May 1, 2007

InterAmerican Commission for Human Rights  
1889 F Street N.W.  
Washington, D.C. 20006

Dear Commissioners:

The purpose of the Kansas Coalition Against Sexual and Domestic Violence is the prevention and elimination of sexual and domestic violence through a statewide network providing support and safety for all victims of sexual and domestic violence, with primary focus on women and their children; direct services; public awareness and education; advocacy for victims; and social change efforts.

We are writing in support of this petition. The work done by advocates at our 31 member programs across the state of Kansas focuses on helping victims of domestic and sexual violence find safety and justice and hold their abusers accountable for the violence perpetrated against them and their children. Too often, as mothers seek to keep their children from the abusive parent, their abusers pervert the justice system, resulting in lengthy and expensive legal battles for mothers to maintain custody of their children. Too often, they lose these battles and children are forced to live with the abusive parent, often without contact with their mothers.

We urge the InterAmerican Commission for Human Rights to send a clear message across the United States that children should be protected from the abusive parent and the care and custody of the children should remain with the parent who will protect them and provide a safe and secure future for them free from violence.

Sincerely,

Sandra Barnett  
Executive Director

Claudine Dombrowski

Shawnee County Case Number 96D217

Claudine was a psychiatric LPN. Now she is disabled and though a cane is medically indicated, she continues to be mobile on her own. The father owns his own business in Topeka. The abuse started when she was four months pregnant when she found out he was married to another woman. The child was already 11 months old before they were married in late 1995. Four months after marrying, the father filed for divorce in March 1996. In May 1996, mother asked for permission to move with the child to another city in Kansas because of the closing of a hospital where she worked. She had obtained employment in the other city and it would help her escape from his unremitting violence. Permission to move was granted. Four days later, father filed to change custody of the child to him.

During the course of the litigation, he admitted hitting Claudine and that it was a reason for her to leave the home but claimed it was not the reason she left every time. He admitted he told her to leave, pushed her out of the home, and paid no child support. He admitted to twisting her leg and scratching her face. According to her, he beat her 2 - 3 times a week. He pointed and cocked a shot gun at her while she was feeding the baby. He cut up her military uniform. He beat her when the baby dirtied the house. She was kicked out, locked out and would leave 3-4 times a week to escape the violence. Often she was gone for 2-3 weeks to maintain her safety and that of the child. Though she had a perfectly valid reason to leave and was in fact protecting the child, court personnel later used that to claim she would hide the child and therefore he should have custody.

In one incident, he hit her in the head so severely she required 14 internal stitches and 14 external stitches. When the court questioned the parties about this on the stand, the judge was far more worried about where it happened and who was telling the truth than the admitted and verifiable fact that he did hit her in the head with an object that left that much damage. Whether he hit her in the head with a big stick in his driveway or he hit her in the head with a tire iron in her apartment - he hit her in the head resulting in severe injury. The judge however lectured both parties about lying. See Exhibit 1 for photos of the petitioner after beatings by the child's father.

While the father admitted the abuse, he claimed it was mutual combat. However not only did she have a protection order against him, but the man has eight criminal convictions - three convictions for domestic violence against her, a conviction for a bar fight, a conviction for assaulting a police officer, a conviction for obstruction of justice, one for possession of marijuana and one for driving under the influence. Pursuant to his various convictions, he was ordered to attend alcohol treatment - he didn't. He was ordered to a psychiatric evaluation - he didn't go. He was ordered to anger management classes but was asked to leave because of his inappropriate behavior. Domestic violence professionals know that anger management is not a suggested treatment modality for domestic violence perpetrators.

Court personnel not only were blind to the violence, they were completely ignorant of safety issues for the mother and child. Dr. Bernie Nobo, a licensed social worker, testified that it was a volatile situation. He actually had to stop the father from assaulting the mother in a meeting. Still he said there was no danger to the child but suggested she might hide to protect herself. In fact, that would be a very sensible thing to do. He diagnosed her as primarily depressed and the father as adjustment disorder with mixed emotional features (depression or anxiety). Not only is depression a reasonable response to the situation, but as a social worker, he is not qualified to make such diagnosis. Nobo did say her parenting was fine and he recommended supervised visitation to father.

The court services officer knew of the domestic violence and in fact listed it as the biggest concern. But rather than deal with the perpetrator, she suggested that the child should be put into foster care – thereby punishing the child who would lose a perfectly good loving and protective mother and would punish the mother for being a victim of abuse. The officer claimed the mother was a risk to run though she admitted she had never had any trouble contacting her. The officer was more concerned that the father have access to the child than the safety of the child or the mother.

Kansas statutes require joint custody unless there is a reason for sole and the GAL recommended custody to father because he lived near the court while mother had moved out of town (with the court's permission) and he wanted to keep this child near the other three step-children from other marriages of the father. The GAL never talked to the mother or child, to the day care or the child's physician nor did he do a home study. The GAL said the violence was so far fetched he didn't believe it though he only knew of one conviction for DUI and never talked to the battered women's shelter. Astonishingly, the GAL recommended the mother go to anger management classes.

On April 17, 1997 during a settlement conference, the mother was stunned by her own attorney suggesting she agree to a joint custody arrangement with a man she knew to be extremely dangerous. Her lawyer and the judge threatened the mother that he would grant sole custody to the father because allegedly she would not work together with him. This of course completely discounts the impossibility of working with a man as violent as this perpetrator. Though admitting that the violence lessened when she moved away, the judge said he would give shared custody only if she moved back to Topeka where the father lived and where the violence occurred. Forcing her to resettle in Topeka near the perpetrator, a routine practice of family courts, is the state forcing her directly into danger. It is a violation of the fundamental rights of life, safety and to be free from torture and other maltreatment. Essentially the court required the mother to give up her right to life and safety for custody of child. She did. Only to lose custody as well. She agreed to the settlement only to change attorneys and file a motion to set aside four days later.

In 1998, the child's doctor reported the child had very poor hygiene when staying with father. The day care provider reported a change in her behavior after being with the father. She became either withdrawn or aggressive. A nurse requested an investigation of psychological abuse because of his treatment of the child.



On 31 July 2000, without any motion from either party and without a hearing, the judge simply issued an order that the mother had to relocate to Topeka if she wanted any possibility of obtaining custody. She did so but then in August, the judge ordered the child to remain with the father. In December 2000, supervised visitation was ordered for mother because she had allegedly returned the child late to the fathers over Christmas. They suspended all contact for several months and then she was allowed two hours a week supervised. The bizarre behavior of the courts was evident from as early as 1998 when they granted a divorce twice as evidenced by their own records – April 17 and October 28, 1998.

At the time of this filing, the mother had supervised visits once a week after having had no contact for 10 months based on an ex parte order without an evidentiary hearing issued 3 February 2004. At time of this filing, the mother had last seen the child on 15 April 2007 for one hour.

Over these 11 years of litigation, the judge was changed several times. One judge limited each side to five witnesses at trial and then continued to call them liars when they could not prove what they had said or disprove what the other had said because they were prohibited from calling witnesses. While the judge chastised the father for game playing in the court, he then berated the mother for not coming to agreement with the father. He could see how unreasonable the father was and the judge was not subject to violence from the man but yet he blamed the mother for not reaching an agreement. He said any child in this situation would grow up damaged but then blamed the mother rather than the father who was the one committing the violence. The judge focused on the mother's move to escape the violence rather than the harm of the violence itself. The court excluded evidence of his extensive criminal record, medical records and other records of violence. In addition to mother, other witnesses knew of the violence and that the child witnessed it. But still the court saw no danger to the child.

In spite of an order of protection against the father and his eight criminal convictions, three against her, one judge said it was mutual violence and besides she provoked it. He said there was no evidence that the father mistreated the children and ordered joint custody and both parties to anger management. She was ordered not to call law enforcement about the father without getting permission of the case manager. In other words, he could assault her freely and she was not allowed to even call the police. She was told to stop gathering evidence against the father. In March 2005, she was ordered not to file any more motions in the court without permission from the case manager – she had filed a motion to remove that case manager. In other words, she was even denied access to the court.

The complete failure of the court to protect the victim continued after father received custody. When she complained that the father forced her to have sex if she wanted to see the child, the case manager said that it was just part of co-parenting so deal with it.

She appealed twice to the Supreme Court of Kansas. In the appeal, she alleged not just for herself but that the policies and procedures of the Kansas courts denied the right to a full and fair hearing, denied equal protection and due process, and violated fundamental rights. She first filed in 1997, the appellate court affirmed the lower court in 1998 and the Supreme Court rejected review in 1999. She appealed again in 1999 and again the appellate court affirmed the lower court in 2000.

In July 2002, mother again regained unsupervised visitation.

On 25 August 2003, Claudine was attacked with a hammer and her arm broken by Kathleen Sales. Sales later admitted she was paid by the father who assured her no charges would be filed. They weren't.

On 3 February 2004, false allegations were made against mother that she sought to have harm done to the father. The mother objected to the order and asked for an evidentiary hearing. The request was never even heard. By March 2005, mother had only supervised visitation that has remained to this day.

In March 2002, Dr. Dale did an evaluation for unsupervised visits with mother and recommendation for therapy. The evaluation cost \$5,000 and father admitted violence and the mother was found not to be any danger to the father or child. She was however ordered to shut down her web site that she had constructed. On the website she expressed her opinion and her facts about the case and the danger the child was being put into by the court. In a second order later, she was ordered to remove the child's photo from another website. After this evaluation, she had unsupervised visitation from May 2002 until 3 February 2004.

Repeatedly when father files motions, they are heard with negative consequences for mother and child based on the flimsiest of evidence or none at all. But when mother files motions, they are never even heard. A home study ordered into the father's home in February 2006 was never done. On 14 April 2006, the court held a conference in chambers and refused to allow the mother to attend. The court changed the orders from a home study of father to a study of mother to assess her risk to the child. The evaluation found no risk and was positive for mother. Still supervised visitation was not changed.

In a hearing on 10 April 2007, the mother has asked yet again that the child be protected from abuse and at least she have unsupervised visitation. Again the court refused. The child spoke out in 2003 and three CPS reports have been filed but in all three, they claimed that the mother coached the child who is now 12 and certainly

October 2009 Claudine spoke on a local television station regarding Domestic Violence. The next day, she was held in contempt of the court and her rights to see her daughter have been suspended.

LARRY SNEARY 785-965-7258

IN THE INTEREST OF HIS DAUGHTER, K.S.

CASE NO. 04DM45 DISTRICT COURT OF BUTLER COUNTY

CASE NO. 08JC136 DISTRICT COURT OF SEDGWICK COUNTY

JUVENILE DEPARTMENT CHILD IN NEED OF CARE

CASE NO. 09-102569 THE COURT OF APPEALS OF THE STATE OF KANSAS

My custody battle and the right to protect my daughter, K. S., began over six years ago when her mother was substantiated for child neglect in June 2003. K. S. spent her first birthday in the hospital because her mother started drinking alcohol and "popping" UNPRESCRIBED trazadone. When my ex-wife passed out she dropped the pills on the floor and my daughter consumed them. I came home from work and saw K. S. unconscious on the floor along with the remaining scattering of pills. I immediately took action and her life was saved.

Then my ex-wife continued her drinking and drug addiction behaviors and I insisted she seek treatment for these addiction behaviors as she was endangering our daughter and causing conflict between us. On January 30<sup>th</sup>, 2004, my ex-wife (with the assistance of her mother) filed for divorce by committing perjury on the affidavits and petitions of court papers and unlawfully obtained custody of our daughter. My ex-wife had moved into her mother's residence and relied on her mother for help.

Until this day I had been the primary caretaker of K. S. from birth because of her mother's numerous physical and mental problems complicated by her substance abuse. At the March 8<sup>th</sup>, 2004 hearing, my ex-wife's case worker provided false allegations in regards to the fitness of her ability to parent and also her problems. A different Judge presided over this hearing and reversed the prior custody placement to return K. S. to me but the Judge ordered a child custody investigation. I felt a child custody investigation was not necessary due to the above mentioned facts concerning the mother. I was also puzzled why a change of judge occurred from the original petition hearing.

Immediately after this hearing, my ex-wife was forced into alcohol and drug abuse treatment by her family and then released as an out-patient in May 2004. Before she had gone for her treatment my ex-wife and my daughter resided with her mother. However, when she was released from in-patient treatment, her mother had obtained a separate residence for my ex-wife and my daughter. My ex-wife's mother has always interfered in the legal proceedings, constantly concealed and covered for her daughter's problems and other pertinent information, and repetitively committed perjury to cover for the abuse of K. S. For the Court to continue the child custody investigation did not make any sense to me as the mother was being treated for her alcohol and drug addictions, already substantiated for child neglect, bi-polar II, smoked two to three packs of cigarettes a day and has multiple sclerosis. Her numerous problems aggravated her multiple sclerosis.

Before the main custody hearing on August 23, 2004 and all through the proceedings, my ex-wife continued to drink alcohol and use drugs. My attorney repetitively asked the Court to test her for the substance abuse and he also insisted the mother be professionally supervised during visitation time with K. S. At this hearing, I was sustained as the primary residential custodian with joint custody with my daughter's mother. The mother received weekend visitations supervised by her mother. After the Thanksgiving visitation in November 2004, I picked up K. S. and her thumb had been smashed looking like a grape. Then when we got home my wife and I noticed suspicious bruise marks on her

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upper thigh. She also was suffering from severe emotional trauma after the visitation time with her mother and maternal grandmother. Butler County SRS refused to take the abuse reports.

There were several more reports of abuse turned in by me, my wife, and professionals during a period of time beginning from November 2004 through March 2005. Butler County SRS and Sedgwick County SRS/EMCU began to refuse said reports; the Judge had insinuated both the father and stepmother had psychological problems because we believed what the child was stating due to the physical and emotional evidence of abuse. K. S. was not interviewed in a setting where she felt safe as she was only two years old; instead she was usually interviewed with the presence of the abusers nearby. With the advice and help of our then treating psychologist, we moved out of the District Court area and into another jurisdiction to protect my daughter and hopefully obtain some type of legal theory of relief.

The plan did not succeed and without due process of the law, K. S. was ex-parte from our home until psychological evaluations were completed. The mother was not ever required to have a psychological evaluation as the father and stepmother have been required to be evaluated twice by the Courts and once each at their own initiative. Case management was ordered in April 2006 but did not begin until after the July 19<sup>th</sup>, 2006 hearing. The case manager restored visitation and parenting time for K. S. and her father and then K. S. spent the Summer of 2007 with her father due to the mother's confinement to the nursing home. It was requested and insisted that K. S. remain with me but the case manager returned her to the residence of the maternal grandmother.

On January 27<sup>th</sup>, 2008, I (the father) kept my daughter for an emergency ex-parte motion to change residence and custody of K. S. My daughter had made statements about being abused by the maternal grandmother and she was scared of said grandmother. However, the next day the mother obtained her motion to return the minor child THROUGH THE MATERNAL GRANDMOTHER. ONCE AGAIN I LOST MY PARENTING TIME TRYING TO PROTECT MY DAUGHTER FROM ABUSE.

March 3<sup>rd</sup>, 2008, the MATERNAL GRANDMOTHER FILED A PRIVATE CHILD IN NEED OF CARE PETITION based on false reporting and false allegations. I (the father) was NOT notified of said hearing until after it was heard on March 5<sup>th</sup>, 2008. Then at the June 20<sup>th</sup>, 2008 adjudication hearing, the Court did not award me custody of my daughter and after several months of complying with numerous Court orders; the maternal grandmother's motion for guardianship was sustained on April 8<sup>th</sup>, 2009.

In conclusion, I, THE NATURAL FATHER OF K. S., have been in a constant battle to protect my daughter and my rights as a parent. My daughter's rights are most important and I feel the system has failed her and violated her rights to be protected by me (her natural parent). The evidence is significant to prove the repetition of endangering of a child by the Courts, Case Manager, Child's Therapist, Guardian Ad Litem, Butler County SRS, Sedgwick County SRS/EMCU, Sedgwick County Child in Need of Care in the Juvenile Department and the mother and maternal grandmother. I (the natural father) have been in an ongoing custody battle for over five years not with the mother but with the MATERNAL GRANDMOTHER.



**To Whom it may concern:**

I am Kathy Winters, mother of Angie Auldridge, grandmother of her five children: Jillian (6 yrs.); Caleb (2 yrs); Wyatt (1 yrs old) , Kori (10 yrs.) & Dakota (8 yrs). I helped deliver four of the five children. Here is my story:

**The beginning:**

In 2006, my grandchildren were healthy and happy. Since these children were removed from their home, all five have or still are in therapy. My daughter had some health problems and was trying to attend school, so the children often lived with me, but over all things were going well.

That year, the father of the two oldest children decided he wanted custody of them, so he spoke to a representative of SRS. He told lies and half-truths about my daughter, Angie. For example, he told them she was on drugs – a half-truth. She was on pain medication for the surgery she had recently had on her knees. (Evidence) But that was enough information to get me and my family caught up in a tangled web of multiple 'social services' that have since made our lives a living hell.

In late 2006, the father of the oldest granddaughter filed for custody of her and a grandson who was not his son. With the information provided by this father to the CPS caseworker, she filed to have the three youngest children (Jillian, Caleb, and Wyatt) removed from their home. Before the removal of the children, the CPS caseworker told me that I had to bring Jillian, Caleb and Wyatt to the CPS office. When I asked the caseworker if she had gotten the mother, Angie's permission, the caseworker stated, "I don't need to." When I brought the children to the CPS office, the caseworker would not let me go in with Jilly while she interviewed her. I also asked the caseworker to look at Angie's evidence that we had compiled. The caseworker stated, "I don't need to see the evidence. I'll get Angie help ALRIGHT!" Angie and I got the evidence that showed that she was innocent of all the accusations. Angie had graduated from nursing school with a 3.85 average just a few months before SRS took her children from their home. Angie had had surgery on both of her knees and during surgery, her heart stopped and when the surgeon used the "paddles" on her heart, her teeth clenched down on the breathing tube and broke several of her teeth (we have a dentist's note). The SRS representative said because she was slurring her words and "looked" like she was on drugs, then she assumed Angie was addicted to drugs. We have a doctor's note that states Angie is on pain meds for her surgery. Angie and I both requested several times for cps and the private contractor to look at Angie's evidence, but they always refused.

The night before the court hearing to remove the children, in December 2006, the CPS caseworker took by personal information ( I have Cherokee Indian in my heritage) over the phone and stated that I would be getting the children after court the next day. That the contractor's caseworker would follow me home and if my house was okay, I would get the children and they would not go into foster care.

The SRS case worker and a judge ruled that I should be able to take the children and go home. But – the CPS private contractor thought otherwise, ignored the judge's ruling and sent Jillian home to live with her father, Andy Hayne, without even doing a background check. Mr. Hayne was currently on probation for domestic violence. The two youngest children were placed in two different foster homes – at the first of the Christmas holidays.

I received Wyatt out of foster care on January 3, 2007. Wyatt's foster parents had overdosed him on his breathing treatment and he stopped breathing in my car on the way home. Angie, the mother, and I had both told the CPS contractor caseworker several times that the foster parent was overdosing him (medicine that should have lasted Wyatt six months was used up in one week). If I had not gotten Wyatt that night from foster care and taken him to Children's Mercy

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Hospital, he would have died. I rushed him to Children's Mercy Hospital, where in addition to the overdose, the hospital found bruising on Wyatt's buttocks and head. The hospital told me I saved his life. I have hospital records and pictures to prove this claim, but the 'authorities' ignored this information.

I received Caleb out of foster care on January 4, 2007. He would not speak to anyone for days and Wyatt had nightmares for over two weeks before he could feel safe again.

At the first family meeting, ALL family members, including the fathers, agreed that Angie should have her children back, but the CPS private contractor refused. The contractor never contacted the DCCCA agency for family preservation, which was on the first family plan.

In January of 2007, at the very first month of this 2 ½ yrs case, I was told by the CPS contractor caseworker that Angie should not get her children back. However a representative from another agency, Johnson County Infant and Toddlers, evaluated Wyatt and Caleb in my home and gave a very positive report. CPS contractor did not accept this report and demanded yet another evaluation. Jo Co Infant and Toddlers sent two more caseworkers at different times to evaluate Caleb and Wyatt. Their reports were very positive reports on the care and development of the boys.

1-22-08, CPS private contractor stated "they were considering severing Angie's rights." I said I wanted to adopt them; CPS private contractor said, "You cannot because of your age and disability." She agreed I was taking good care of the boys. (I am 58 yrs. Old and receive disability through the Lenexa Police Department after working there for 14 yrs.) The caseworker stated that it was not up for discussion, the decision had been made. This was before the mother's severency hearing or the adoption even began.

1-28-08, I told the CASA worker that I wanted to adopt Caleb and Wyatt, "You cannot because of your age and disability." She admitted I took good care of the boys.

2-08, Angie's attorney said that the GAL, (Guardian ad Litem) had said that I could not adopt the boys because of my age and disability.

- I was advised to call my daughter an unfit mother even if I did not feel it was accurate or I would lose the boys.
- I was told that I could not say anything negative about CPS contractor caseworkers, CASA or the GAL (a person appointed to represent the interests of a person with respect to a single action in litigation) because it would "piss off the judge and she would go against Angie and me." Is this not "tampering with a witness?"
- In two separate meetings at the CPS private contractor's office, in May and July of '08, two CPS private contractor supervisors stated they were severing Angie's rights because they would "**lose the Federal grant**" if they didn't. They NEVER said anything about Angie's ability to parent. (I have one statement to that effect on tape.)
- CPS contractor caseworker said there was lack of communication between me and the CPS private contractor caseworker. In summer of 2007, Angie (the mother) and I had called so many times that we were placed on a calling plan by the CPS contractor's supervisor- we were only allowed to call at 10:00 Mon. and 10:00 on Fridays, because we had called "too many times to make sure we were doing everything correctly."

The GAL, who was assigned by the court to look after the best interests of the three children, Jillian, Caleb and Wyatt, never came to my house, never went to Angie's house, never spoke with the children and never returned 13 attempts by me to contact the GAL for a meeting or to discuss the case with him. The GAL never saw Angie with

her children and never visited with me and my grandchildren. This timeframe is the 2 ½ yrs of this CINC case.

The CASA worker and the CPS contractor caseworker would tell me and Angie that we were doing a great job and during family integration meetings, also stated that Angie was doing everything on the case plan, but then in reports to the court would say differently.

I have been retaliated against several times when I have reported unethical behavior by the contractor's caseworker.

### **The Caleb and Wyatt Story – 2-08-08, THE MALL**

Caleb and Wyatt were allowed to go to Zonkers at the mall with a CPS PRIVATE CONTRACTOR authorized babysitter. Kori (their 12 yrs old sister and a cousin accompanied them. The babysitter went to the bathroom, and left Wyatt & Caleb in Zonkers with Kori and the cousin. Management called police Officer Hardman. Hardman told me later than the children were NEVER in danger. SRS came to my home and found this punitive incident "UNSUBSTANTIATED" and placed a "safety plan" that the babysitter could not watch boys at the mall again & that ONLY if I broke the safety plan would I be in danger of losing boys (evidence). This safety plan was approved by CPS PRIVATE CONTRACTOR & SRS.

On 3-6-08, the CPS PRIVATE CONTRACTOR representative declared she was severing Angie's rights and stated she was removing the boys from my home. She stated it was because of the Mall incident & she agreed I had not broken the safety plan but that, "it was not up for discussion, the decision had been made to remove the boys from my home."

I do believe this was done due to my age and disability and their determination to not let me adopt my grandsons. I also believe that there were monetary reasons for this decision also.

### **Emergency Hearing to keep CPS contractor from removing my grandsons from their home:**

I received an emergency hearing on 4-4-08, to stop CPS PRIVATE CONTRACTOR from taking boys from me. In the hearing, the representative stated the following under oath. I have recounted her statements - and the truth: **Note:** CPS PRIVATE CONTRACTOR was on the stand for 2 ½ hrs. The caseworker stated the following under oath:

1. Caseworker stated Wyatt had conjunctivitis – FALSE

TRUTH: Wyatt did not have conjunctivitis. I had taken Wyatt to the doctor that morning.(evidence). (The judge stated in her decision specifically regarding the conjunctivitis.)

2. Caseworker stated I had left the boys unattended at the mall. – FALSE

TRUTH- I left them with a CPS PRIVATE CONTRACTOR authorized babysitter (Evidence).

3. Caseworker stated the boys left Zonkers and went into the mall area and were lost for 20 minutes - FALSE.

TRUTH - The police report says the boys never left Zonkers and were only out of sight of their sister for one minute. The officer who was called offered to speak to anyone regarding the case. He has never been called. Ofcr. Hardman, Olathe P.D., Olathe, Ks.(evidence, police report)

4. The contractor's caseworker stated that I did not call her about the mall situation until three days after it happened - FALSE.

TRUTH: Phone records show that I called her the day it happened as I was leaving the mall at 5:11 p.m. (Evidence)

5. The CPS contractor's caseworker stated that when SRS worker showed up at my home to investigate the mall incident, the SRS worker could hear Wyatt coughing "clear across the room". - FALSE

TRUTH: There was NO mention of her concern about Wyatt's cough in the SRS worker's report. Also, I measured from where the SRS worker was sitting and where Wyatt & I were sitting and it is only 46 inches apart, the SRS worker could have heard him hiccup! (evidence) This was unsubstantiated by the SRS worker.

6. The caseworker stated that I had allowed Angie unsupervised visits with Jillian in February, 2007. - FALSE

TRUTH: Jillian's father's mother was supposed to supervise that visit and the caseworker admitted the boys weren't even involved. (EVIDENCE court testimony)

7. I caused problems with Wyatt's dad, Paul Newman's, visits. - FALSE

TRUTH: I had taken Wyatt to 99% of his visits with his dad. The CPS contractor's caseworker had even thanked me for being so cooperative so she didn't have to take Wyatt. I had even offered to extend the father's visits to 2 hrs. and I volunteered to supervise them so Wyatt could see his father longer. The 'trouble' I caused was that I had invited Paul in out of the cold in February while I put Wyatt's coat on. (evidence, tape of supervisor admitting this)

8. Jillian's dad, Andy, had complained about me causing problems with his visits. -FALSE

TRUTH: I had asked Andy if Jillian could be brought back to his parents' home by my daughter, Jessie, and he said okay. But then he complained to CPS private contractor caseworker. The CPS private contractor caseworker had shortened my visits with Jillian by eight hours and thanked me for not complaining.

9. The caseworker stated I was not getting the boys the medical care they should be getting. - FALSE

TRUTH: There was NEVER a complaint from CPS private contractor caseworker regarding this. I have a letter from the boys' pediatrician that they had had all of their lives who stated that I was doing a great job getting the boys medical care. (Evidence) The only time the contractor's caseworker had asked me to take the boys to a doctor's visit was to take Wyatt to the allergist, but, then she told me to cancel the appointment because she wanted to take him to a different doctor than the one recommended to me by the pediatrician (Evidence).

10. Contractor's caseworker stated she had gone over my psychiatric evaluation with me and it said I needed to go to therapy and that I had refused to go. - FALSE

TRUTH - The psychiatric evaluation said "only if I chose to go to therapy" (evidence). I have a tape of CPS PRIVATE CONTRACTOR caseworker. stating she "did not remember going over my psych evaluation with me." (evidence)

11. Contractor's caseworker testified that she had never approved for my grandson to live or babysit the boys at Angie's duplex.



TRUTH - I have evidence that proves that Jacob, my grandson, was approved to live and babysit at Angie's duplex. (Evidence) I was told by the caseworker that since Angie was going to college during the day and working at UPS at night, that as long as Angie was not there, Jacob could babysit at the duplex. On the day that the caseworker said that I had let Angie see Wyatt when Paul, his father, broke into Angie's duplex under a no contact order after beating her up, it was a no school day. Angie was on a 24 hrs unsupervised visit with the boys and a 4 hrs unsupervised visit with the boys when there was no school. But it didn't matter because Angie had NO contact with Wyatt and Paul (Angie's husband) broke into the house and grabbed Wyatt under a no contact order by a judge. Paul was speeding in his van with Wyatt when the police stopped him and arrested him. I took custody of Wyatt at the police stop.

**NOTE:**

**CPS PRIVATE CONTRACTOR caseworker: Stated that all her reports regarding my care of my grandsons were always positive during the entire 16 months that the boys lived with me. This is the only thing CPS private contractor told the truth about in all of her testimony - this and her name.**

Caleb and Wyatt were removed from my home on April 11, 2008, in spite of the fact that every report from the CPS PRIVATE CONTRACTOR to the court was always positive in the 15 months that they lived with me.

**I have a tape that shows the contractor's caseworker's tendency to misreport and misconstrue events. Three days after the boys were removed from my home, the contractor's caseworker was to take Caleb to a heart doctor's appointment. When I asked her if she had taken Caleb to the doctor's appt. which was on the plaza, the caseworker stated that she had NOT because the doctor had canceled the appointment due to an emergency. (Evidence, tape) I have a letter from the heart doctor that states that the contractor's caseworker had been a "no show" and when they had finally reached her, the caseworker had stated that the plaza was too far for her to go and she would be taking Caleb to a heart doctor closer to her office. It took 36 days for the caseworker to get Caleb into a heart doctor. This was medical negligence. There has been SEVERAL instances of medical negligence by the contractor's caseworker...Wyatt's finger was severely damaged while in the care of his father but the caseworker was too busy to come out of her office and look at it and sent Wyatt home with the father without looking at it. The father had not even taken Wyatt to the doctor (pictures). A four month old baby died in the home of the father after he was given custody of Wyatt. Jillian, while in the care of her dad's parents, had ring worm for four months because they would give the prescription medicine to Jillian for her to be in charge of putting the prescription medicine on (Jillian was 6 yrs. Old at the time). I am the one who found the ring worm and brought it to their attention. This was all brought to the attention of the caseworker but nothing was done. There are other instances of medical neglect by the caseworker.**

**When Jillian was told she had to return to her father after her weekend visits with me and her brothers, she would hit her head with her fists, pull her hair out, scratch herself until she bled and pull herself up into a fetal position and refused to go back to her dad's. I told the caseworker this, but nothing was done.**

**Emergency Hearing - I was allowed 20 minutes on the witness stand because the court needed to go to lunch. I was pressured by my attorney to take anti anxiety medicine before the hearing and although I refused, she stated "do it anyway and if anyone asks if you are on this medicine, blame it on me". I was hardly able to even comprehend what was being asked of me or what was being said.**

My court appt. attorney, sabotaged my case from the very beginning. Before Angie's evidentiary hearing, my court appt. attorney and Angie's court appointed attorney, took Angie and me into a conference room and pressured Angie to plead "no contest" even though we had solid evidence in our favor. Both 'attorneys' said that the judge had already made her decision to sever Angie's rights before court even began, that the judge had read the reports from CPS, CPS PRIVATE CONTRACTOR & CASA and believed them - before the trial or even saw the evidence! My court appt. attorney stood in front of the door and grabbed my arm and said to me, "You'd better talk some sense into your daughter or she will lose her children forever" and she stood in front of the door so Angie & I could not leave until we agreed to the plea agreement, which said that if Angie pled "no contest", she would get her children back in a reunification immediately. They stated also that her plea would not affect her nursing job or affect her custody of her two older children. This, we found out, was FALSE! Angie did not want to plead 'no contest' but she was pressured and threatened that she would lose her kids if she didn't abide by our court appointed attorneys. " In 2 ½ yrs, no reunification was done as per the plea agreement and instead he contractor severed my daughter's rights with her children.

After realizing all the false allegations that the CPS private contractor's caseworker had said to get the children from our home, I obtained all my evidence disputing what CPS PRIVATE CONTRACTOR caseworker. said, the judge refused to hear my evidence!

### **The Result**

**Angie lost her children and CPS PRIVATE CONTRACTOR has severed Angie's rights.** She is now appealing the decision. It has been over a year since she has seen Jillian and over six months since she has seen Caleb and Wyatt.

My court appointed attorney has talked several times about our case in a negative way. I have since discovered that my attorney has strong ties to CPS PRIVATE CONTRACTOR and CPS and enjoys the money she receives from these types of cases. My attorney stated to me that Angie or I would NEVER get an attorney to represent us effectively because "they would not bite the hand that feeds them".

When the CPS PRIVATE CONTRACTOR caseworker removed Caleb and Wyatt from our home, she refused to let my oldest daughter (their aunt) have the boys even though the caseworker had APPROVED her for placement- instead, she placed the boys in foster care. The caseworker did not even call the boys' aunt until four days after they were placed in foster care, even though the aunt had called and left messages for the caseworker to call her. The boys' aunt had spent \$1,000.00 improving her home to receive the boys because the contractor's caseworker had told her if she was approved (which she was), she would receive the boys. The foster parents where the boys were placed were turned into SRS for child abuse less than a month after the boys were placed in their home, but CPS PRIVATE CONTRACTOR allowed the boys to stay there (evidence). When my niece tried to get the boys, CPS PRIVATE CONTRACTOR contractor said she was going on vacation & did not have time to check her & her husband out. My niece said that CPS PRIVATE CONTRACTOR caseworker had made derogatory statements about our family to her and she had never even met her.

### **The Result**

During Caleb & Wyatt's first visit with us after being placed in foster home, Caleb screamed for me not to leave him. (evidence, tape) CPS PRIVATE CONTRACTOR caseworker said we 'caused problems' at visit and was going to take away our visitations. When I said I had evidence that we didn't, she changed her mind.

Within less than a month after Caleb & Wyatt were placed in foster care, the foster parents were turned into CPS for child abuse - **but CPS PRIVATE CONTRACTOR kept them in the foster home.**

**Synopsis of visits with boys:**

4-16-08, Caleb screamed constantly, was hysterical when we had to leave him (tape).

5-7-08, Wyatt clung to my leg, Caleb put his face to the wall and would not talk to me. Caleb had conjunctivitis and Wyatt could hardly breathe from croup. Foster parents had let them go to daycare and had not taken them to the doctor;

5-21-08, Wyatt wheezed badly and had an egg-sized knot on forehead.

6-4-08, CPS PRIVATE CONTRACTOR caseworker. did not bring boys to scheduled visit.

6-5-08, Wyatt had black eye on his right eye.

6-11-08, Wyatt bruised swollen lip and scab on chin.

6-18-08, Caleb had swollen right eye and Wyatt had very bad cough and scrape on lower lip and chin.

6-25-08, Caleb had black bruise on his head and Wyatt had a raspy cough and bruise on his cheek

7-16-08, Caleb had a black eye.

8-20-08, Wyatt could hardly breathe from coughing and had a big knot on forehead. CPS PRIVATE CONTRACTOR caseworker said it wasn't there. (I have a picture of it)

9-18-08, Wyatt's cough very bad.

10-29-08, Wyatt bad cough and bruise on cheek and Caleb had a bad cold.

11-19-08, Wyatt bruised cheek.

12-17-08 Wyatt's finger badly infected CPS PRIVATE CONTRACTOR caseworker refused to come out of her office to see it because "she was too busy" (in violation of Statute #39-1402);

2-18-09, Caleb had bruise mark on cheek and Wyatt very sick with cough

3-18-09, Wyatt had knot on forehead and bad cough, Caleb would not get off my lap; the caseworker says it is "separation anxiety". Caleb and Wyatt had bruises on back and spine.

(I have information on other injuries during my visits with my grandsons.) These injuries were reported to the contractor caseworker but nothing was ever done about them.

**NOTE:**

I was only allowed to see Caleb and Wyatt for ONE HOUR A MONTH. Since caseworker gave custody of Wyatt to his father (a CONVICTED domestic abuser arrested four times during this case, is bi-polar, anger problems, has a mental deficiency that prevents him the ability to take care of Wyatt on a day to day basis without assistance (this was proven in court), a four month old child died in his home due to Children's Mercy's evaluation of "lack of ability to thrive in the home environment", etc.) Wyatt's father does not let me see Wyatt and I have not seen him for six months. After Wyatt's father was given custody of him, during a visit on 12-17-08, Wyatt's finger was so badly damaged that when we took the band aide off of it, puss was running from it and it looked as though gang green had set into his finger. When we asked if the contractor's caseworker could come out of her office and see the finger, she stated "she was too busy" and refused to come out and see it and allowed Wyatt to go home with his father without looking at the finger.

CPS contractor caseworker gave custody of Jillian to a dad by the private contractor's caseworker who the dad said he would "do her" and she just laughed. Jillian's dad (who was on probation for domestic violence with a girlfriend who is the mother of his two children, has had a baby with another girlfriend, who has a mental problem that when he was in the military, the military would not issue him a gun because they were afraid he would shoot someone and instead only allowed him to mow the lawns. This father also threatened in December, 2008, to blow Jillian's mother's head off...police report.) Jillian's dad has not let Angie, the mother and myself see Jillian for over a year now, even though it is court ordered. When the caseworker gave Jillian reunification with her father, he had no insurance for Jillian, no stable job or housing and had no phone for several months during this case. The contractor's caseworker has been advised of these facts but has done nothing.

**I contacted an SRS supervisor in Topeka with my complaints and evidence, but she told me to "get on with my life and accept the fact that I was never going to see my grandchildren again".**

**I have requested a new contractor caseworker and casa worker, but was refused by the CASA supervisor and was ignored by the contractor's supervisor with no response from her.**

**I have filed complaints against the contractor caseworker assigned to this case with the following agencies: The contractor and their supervisors, Behavioral Sciences Regulatory Board, The FBI, Office of Civil Rights (they are currently investigating), Kansas Attorney General, SRS Don's Jordan's Office, Johnson County DA's Office, and the governor's office. Why, if these agencies' intensions were to investigate my complaints effectively and thoroughly, has there never been a transcript of the 4-4-08 hearing requested by any of these agencies.**

**The first time I told the ADA that I wanted to file a perjury charge against the contractor caseworker, he sent me to the Olathe Police Dept, they in turn sent me to the Johnson County Sheriff's Dept. and they, in turn, walked me up to the DA's Office to file the perjury complaint. The DA's office refused to look at my evidence or file a perjury charge. I have since contacted by registered mail the ADA and the DA in Johnson County regarding filing perjury charges against the contractor's caseworker. In a letter back from the ADA, he has refused to meet with me. However, I am in the process of filing a written criminal complaint against this contractor caseworker.**

### **Summary**

**My daughter, Angie's, rights have been severed by a judge because the judge stated she believed she is addicted to drugs. The courts and CPS contractors have only requested one drug test in 2 ½ yrs and she passed it. Angie had a job with UPS and had undergone "pop" drug testing and had passed all of them. Even though the judge**

had asked in almost every hearing if the CPS contractors, casa, or the GAL , or the DA wanted any drug testing, they would always say, "no, we don't need to". The judge also stated that due to the fact that Angie had been the VICTIM of domestic battery, she was severing Angie's rights. The judge stated that because the father of Wyatt, Paul, cannot parent Wyatt if the mother, Angie, is in the child's life, that Angie's rights to Wyatt were being severed.

This all started because a father of one of her children wanted to gain parental custody and went to a government agency. This has turned into a living nightmare for I believe that the contractors' only motive is to profit monetarily by preying on families at the slightest provocation. If they really wanted to help, they would keep children with their families, and only remove children from homes where there is a real threat of physical or psychological harm which was never proven in Angie's case. The contractors would always say the reason they were severing Angie's (the mother) rights is "we (the contractors) will lose our federal funds if we don't" All five of Angie's children, my grandchildren, have been or have been in therapy since being removed from their home. They NEVER had to have therapy before. CPS and their contractors did not do these children or our family any favors. More harm than good has come out of CPS removing these children from their home. A total of nine members of our family have had to have therapy (didn't need it before) due to what CPS and their contractors have done to our family. It is just too hard to handle the loss of loved ones, especially when it was unjustified.

After the hearing to sever my daughter's rights to Caleb and Wyatt, the cps contractor started the adoption process of my grandson, Caleb. True to her word, the contractor caseworker stopped by adoption of my grandson in the middle of the adoption process. I received a letter from a CPS contractor supervisor who stated that they would not go any further with my adopting my grandson, Caleb because "the circumstances still exists in my home that made them take my grandsons from my home in the first place". The only thing that still exists in my home is my age and disability (I have letters of recommendations from doctors, legislators, school counselors, neighbors, etc. stating that I have in the past and will be a wonderful parent for my grandson, Caleb). I have sent three e-mails to the private contractor asking in detail what "circumstances" they are talking about which they mentioned in their refusal letter of adoption and they have refused to speak with me further about it (evidence). I worked for the welfare department for 3 yrs., health dept. for 1 year, owned my own business for 10 yrs., and then finally worked for Lenexa Police Dept. for 14 yrs. I am 58 yrs. Old and have a disability through the police department.

I want my grandchildren back NOW...I have done nothing to warrant this bad treatment by CPS and their contractors.

Thank you for taking the time to read this story and your consideration in this matter is greatly appreciated.



**My opinion is that you were sworn in office to protect the people and families of this state and make sure that our civil and constitutional rights are not violated, not to protect CPS and their contractors.**

**Kathy Winters**  
**605 S. Valley Rd.**  
**Olathe, Kansas 66061**  
**913-782-8642**

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Angela Auldridge, 218 N. Alder, Gardner, Kansas 66030. Phone #913-742-3398

Re: CINC case #06JC3139, Jillian Hayne; #06JC3137, Caleb Winters; #06JC3138, Wyatt Newman

I have a total of five children, Kori, Dakota, Jillian, Caleb, and Wyatt. The two oldest children, Kori and Dakota, were given to Kori's father through a Ross hearing which I was notified of.

In June of 2006, I graduated from nursing school with a 3.85 average (evidence). In October, 2006, my family was evicted from our duplex because we had 7 people living there (evidence). We had just moved into our new duplex when SRS tried to take my children. I had had surgery on both my knees and was taking ONLY doctor prescribed medication (evidence). I have letters from the children's pediatrician disputing CPS's allegations that I was not taking care of the childrens' medical needs (evidence).

During my surgery on my knees, my heart stopped and when the doctors put the electrical paddles on my chest to start my heart again, my jaw clenched down on the breathing tube and broke several of my teeth (I have a note from my dentist that says this is the reason I slur my words.). CPS and the private contractor said that since I looked like and sounded like I was was drugs that they "thought" I was on drugs. I have a doctor's note that says the pain killers he had prescribed to me legally would show up as signs of opium. CPS and the private contractor only did ONE (1) drug test in three years since they took my children and I passed it (even though a judge asked if they wanted a drug test everytime we went to court and everyone in the courtroom said no, they didn't need to). I and my mother have both found that Paul, my husband, was stealing my pain medication from me for his own use. At one emergency room visit, my husband tried to pressure the doctor to give me a certain type of medicine that he had stolen from me.

I have had health problems during this case and take medication because my gallbladder was removed by mistake by a surgeon and I have to take medication so my body will absorb the nutrients in food that I eat. This condition can also cause me stomach pains at times. I have had migraine headaches since I was a teenager and have to go to the emergency sometimes when I have bad migraines (there is history of migraines in my family, my mother, daughter and sister all have migraines). I have had to have cysts removed from my leg and under my arms that needed to be drained by the emergency room. I had one miscarriage during this case and had to go to the emergency room for that also. I had pre-cancer cells and had to have lazer surgery in which the doctor "nicked" an artery and I had to go to the emergency room after the surgery because I was bleeding so badly. I had to have three surgeries in order to stop the bleeding. But none of these conditions affected my care of my children.

In November, 2006, SRS caseworker helped a man (Kori's father) get custody of Dakota and Kori, my two older children not involved in CINC case and Dakota wasn't even his son. He has drugged my son, Dakota, changed his last name, changed his religion. A SRS supv. admitted SRS had helped this man financially for information he provided against me. There was a Ross hearing without me being notified.

11-11

In summer of 2007, my mother and I were both placed on a calling plan by the private contractor's supervisor because she said that we had called the caseworker too much to make sure we were doing the right things to get our children back. We were only allowed to call at 10:00 Mon. and 10:00 on Fridays.

The caseworker testified that my house was still dirty but then it was proven that the caseworker hadn't even been to my house for 15 months.

GAL NEVER investigated independently (in violation of Statute #38-2205, (Administrative order 100, KSA 38-1501 et seq; Parentage Act KSA 38-1110, et seq; and Domestic Relations, USA 60-1601 et. Seq). The GAL never talked to any of my three children, never came to my house or never returned my calls during the entire case. In Feb., 2008, the GAL told my attorney that my mother could not adopt the children because of her age and disability.

During this whole case, even though we have asked over and over, the SRS caseworkers and supervisors and contractor's caseworker would never look at my evidence. When I would go the emergency room for things such as t I had surgery for the removal of pre-cancer cells and the doctor accidentally nicked an artery, I had to have three surgeries to correct. In court, the contractor's caseworker said I was frequenting the emergency room for pain medication but NEVER explained to the judge why I was at the emergency room for bleeding.

At EVERY family planning meeting, I always accomplished EVERYTHING that was required of me. But, yet the fathers did not finish their case plans and even broke the law during the case and still they got the children. When I would ask why she was giving the abusive fathers the children, the caseworker would say it was "none of my business" or "what happened with the domestic violence had nothing to do with the children". When I would talk to the caseworker she would say I was doing just fine, but in court, she would say differently. She would take information from the fathers as fact without even checking with me and then used it as fact against me in court.

Jillian's therapist from the private contractor would tell me I had a right to have a boyfriend and have him during Jillian's visits. Yet, the caseworker would use it against me in court. The therapist from the contractor seemed to be pressuring me to have the boyfriend at the visits. I believe she was attempting to sabotage my case.

I asked contractor's & CASA supervisors for new caseworkers due to biased & unethical behavior, & preferential treatment for the fathers (Statute ##23-1003) but they refused to give me new caseworkers.

CPS took my children because they stated I was addicted to pain medication. I was not taking illegal drugs but doctor prescribed medication (evidence). During the 2 ½ yrs of my case, the contractor, CASA, DA, and CPS has only asked for one (1) drug test and I passed it.

Since they could not use the drug use against me anymore. The caseworker said I had to go to therapy but then told me not to, but used it against me in court, saying I had refused to cooperate. Then the

caseworker required a psych evaluation a year after taking my children from me. The therapist stated in court that my mistrust of people could be caused by the domestic battery that I had suffered at the hands of my ex-husband. He said I had the ability to take care of my children without assistance and saw no drug use on my part.

In court, the contractor's caseworker stated that Caleb's father, Lance, had said I was a bad mom. I have a notarized letter from the Lance saying I was a great mom which he wrote the last time he saw me with my children. (evidence)

In two meetings, July, 2008, and 05-16-08, when I asked the contractor caseworker and her supervisors why they were severing my rights, they stated that "we will lose our federal government grant if we don't". NEVER, not once, did they ever say it was because I didn't finish my family plan or I was a bad mother UNTIL we went to court!

All five of my children have been in or still are in mental therapy, which they never needed before CPS took the children from their home. I have letters of recommendation from the children's pediatrician (evidence).

The judge took over 6 months to decide to sever my rights. In her decision, she stated it was because: 1. I had a history of being the VICTIM of domestic violence. 2. That a doctor had said I was addicted to pain meds, my lawyer said he never saw any such evidence, in fact, to the contrary. 3. Because of Paul's (Wyatt's dad) mental deficiency, my rights should be severed to make it easier for Paul to parent Wyatt.

The contractor's caseworker testified several times regarding my religion in a negative way. The judge forced me to et up in court and explain my religion.

I was NEVER offered family preservation services even though it was required by the first case plan (evidence).

In fact at the first of this case 2 ½ yrs ago, all family members, INCLUDING THE FATHERS, were in agreement that I was a good mother and that I should get my children back IMMEDIATELY, but, as the case went on, the more the fathers and their families had contact with CPS and the private contractors, the more critical the fathers became of me and began to turn against me and began giving false information about me to the caseworker. Outside court one day, the fathers were "high-fiving" each other in excitement that the court had ruled against me and was severing my rights. Whereas, before the private contractors became involved with the fathers, they were supporting me 100%.

The contractor's caseworker that was assigned to our case wasn't even a licensed caseworker until 6 months into my case. She made remarks to me in 2007, at the beginning of my case, that I didn't deserve my children back. She showed prejudice & bias from the very beginning.

SRS has billed me for \$52,377.00 (evidence) for what they say was medical care and food stamps that I was not entitled to. They provided no proof and I believe it is retaliation against me for my losing my children and I believe this is to make it even harder on me to support my children and myself. CPS takes all my income taxes every year which makes it even harder to find money to fight for my civil rights.

11-13

Even though I and my ex-husband both had medical insurance on the children, the Medicaid card was never used...

Since my children have been gone and my rights were severed, but I am appealing, I have been in therapy and am on anti-depressants. This has destroyed my life and my family. I had substantiated medical reasons for going to the emergency rooms but they didn't want to hear them. I could have died several times if I had not gone to the E.R. The courts and caseworkers, in 3 years, have only asked for one drug test and I passed it.

My mother, Kathy Winters, has submitted further information regarding our experiences with CPS and their contractor.

**PLEASE BRING MY CHILDREN BACK TO ME!!!** All five of my children have or still are in therapy since being removed from me (they were loving, caring, kind, wonderful children when they were with me and never had to have therapy when they were with me). Nine members of my family have had to be in therapy since CPS's actions. My five children have been placed in four different homes and are not allowed to see their siblings and other family members by the persons with custody of them.

Thank you,

Angela Auldridge

913-742-3398



To Our Governor Of Kansas:

I'm writing you again, about my children being raped and molested while in state custody. I have also called your office numerous times. I have also talked to the Secretary Of State and I have contacted everyone your office told me to contact in the last 2 years.

In that length of time, I've had 2 daughters raped and one sexually molested. Why isn't this being investigated? We all know that this is not just happening in my family, it's all over Kansas.

Some of the parents get their children back pregnant. This is not protecting the parents and their children.

I'm also sending you some newspaper articles about what's going on. Also sending you a copy of the letter that I'm sending to the Secretary Of State of SRS.

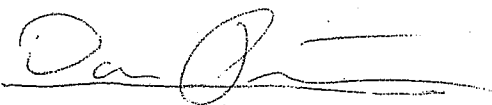
Everytime I protest, which is quite a few times, alot of parents has explained to me that they have the same kind of problems that I have. The system doesn't listen and that means they don't care.

There's alot of people out there thats afraid to protest, afraid that the system will pick their children up or keep the one's they already have.

This just hasn't happened, it's been going on for years. Your office keeps telling me that this not a governors issue, that it is an SRS issue. Which SRS is employed by the state.

You are the Governor for the state of Kansas, so what are you going to do?

I'm also thanking you for no help.



Donald Porter

August 19, 2007

Dear Don Jordan,

On July 9, 2007 I was protesting, that was diagonal from your office (which is the Docking Building), in back of me was The Kansas Supreme Court and in front of me was The Capitol Building.

You sent one of your workers down to invite me up to your office to talk to me about my children. You also had a lady with you at that meeting. I explained to you what was going on with my family and the Fort Scott SRS office. You told the lady to check in on these problems.

I have called your office and have wrote to your office and to this day I haven't gotten any relief just excuses. You told me to call certain people and I have called them and still no relief from their office.

I expected more out of your office, which I have received, which is nothing, only more cover-ups and more sweeping under the rug.

I thank you for nothing.



Donald Porter

August 19, 2007

12-3

My oldest daughter, Donna Porter, was raped in 2005 in Humboldt, Kansas, she was in foster care when this happened.

In 2007, my youngest daughter, Crystal Porter, was also raped in Linn Co. Kansas, it was at a party while living with the foster parents. Another foster girl was also at that party and she was also raped. They were in the same foster home. It was swept under the rug.

My middle daughter, Leora Cole Porter, was raped in Wichita, Kansas while being in foster care in 2007.

I had 3 daughters raped at different times while in state custody.

Predators knowing children in foster care, knowing that if they get caught, it will just be swept under the rug.

I have met parents out there while we were protesting, that their children have been raped and sodomized while they were in the system.

Don Porter

12-4

Friday  
6-23-06

12-5

The Fort Scott Tribune • Fort Scott, Kan.

## THE SECOND PAGE

### Fighting the system



Tribune photo/Michael Glover

Don Porter and his wife, Phyllis, La Cygne, protest Friday morning outside the Social and Rehabilitation Services building, 123 S. Main St., in opposition to what they say is a corrupt system of stripping children away from their parents. Don Porter said 'SRS has too much power' and there needs to be a change in state laws. The Porters have had several run-ins with SRS' Child Protective Services division when the organization took custody of their children.



TUESDAY  
6-27-06

12-6

# La Cygne couple protests SRS power over child custody

BY MICHAEL GLOVER  
The Fort Scott Tribune

Don Porter held a sign that read, in black lettering, "CPS (Child Protective Services) stealing children from their parents is nothing short of pure terrorism."

Porter and his wife, Phyllis, La Cygne, protested in front of the Kansas Department of Social and Rehabilitation Services building, 123 S. Main St. Friday and again on Monday.

He said they're going to alternate between the welfare office in Pittsburg and the SRS facility in Fort Scott until "things change, no matter how long it takes," Don said, adding that he means changes like enacting laws that give power back to parents instead of kids dictating their future.

"Parents should be able to raise their children without living in fear of getting in trouble if you try and discipline them," Phyllis said. "Power needs to be taken away from the children and placed back into their par-

ents' hands. They're telling their parents what to do. They are letting those kids be put in adult situations."

Don said the agency has repeatedly taken custody of his two children, Donna and Crystal, on and off for the past five to 10 years. One time, he said, a tiny slap on his daughter, Crystal, resulted in SRS coming in and taking her when she complained to authorities. He said SRS didn't fully check out the incident, instead case workers arrived and "stole my daughter," Don said.

"They're stealing kids from their parents for no reason," Phyllis said. The couple said SRS is overpowering and doesn't need a reason for taking a child into custody.

Don said the way welfare in Kansas is set up, it's better for people on welfare to stay on welfare. If, for example, a person is receiving assistance, the children are under the control of the system, allowing SRS to dictate whether it seizes custody of

(See SRS on Page 2)

## SRS

(Continued from Page 1)

the child, he said.

Mike Deines, a spokesman for SRS, said he can't comment on the Porters' case, since the organization is bound by confidentiality causes in discussing individual cases.

"They certainly have a right to their opinion," Deines said. "He (Don) is well within his rights. We have a mission to protect children and will continue to work with customers and provide the best care possible for the children we take in. SRS has been providing safety and care to children who most

need it."

Protests are nothing new to the Porters. They've stood outside the capitol building in Topeka to protest the welfare system.

The couple said some bystanders stopped and discussed their own negative experiences with SRS.

"We're not the only ones that have had problems. Others have had their own nightmare dealings with these people," Don said.

Don said they notified the Fort Scott Police Department of their intent to protest, and police allowed the peaceful demonstration.



# Kansas couple protests SRS

By STEPHANIE FARLEY  
Morning Sun Staff Writer

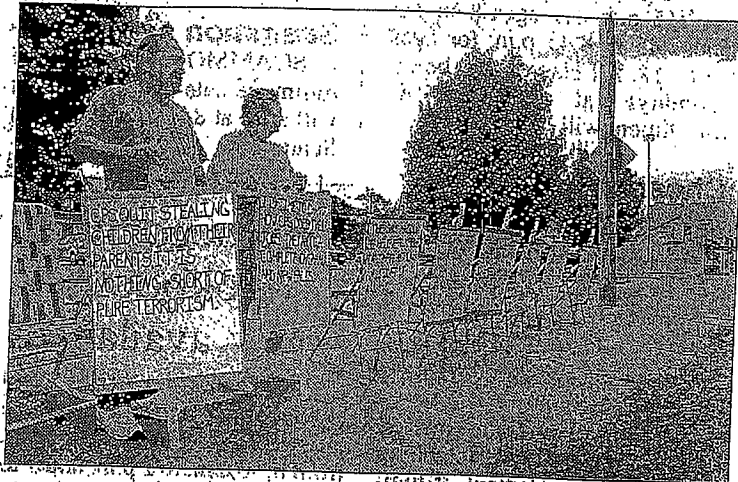
Don and Phyllis Porter sat in their lawnchairs Thursday in front of Pittsburg's Social and Rehabilitation Services (SRS) building along South Broadway. Cars drove by in the rain, checking out the Porters' signs, which were lined up and down the sidewalk denouncing SRS.

The Porters, of La Cygne, have been protesting SRS for about two months now and claim the state department unlawfully keeps children in protective custody for lengthy periods of time and deprives parents of their rights. The family said they will continue to protest the agency until it changes its ways, and the system is reworked.

Don Porter claims SRS played a part in two of his daughters being removed from Porter's home and that while in protective custody, one of his daughters was raped. Porter said he was scheduled to appear in court for the case on Aug. 27.

When asked why SRS requested his children be removed from the home, Porter replied, "Cause they (SRS) wanted to."

Messages on the protest signs included "The SRS should be held responsible for them."



Ray Brechelsen/The Morning Sun  
Don and Phyllis Porter, La Cygne, protest at the Kansas Department of Social and Rehabilitation Services office on South Broadway Street on Thursday. The couple said SRS had taken custody of their children on several occasions, and are advocating changes in the child protective services system.

actions in a court of law" and "SRS is good at destroying children and parents' relationships and they call it 'a child in need' or 'in the best interest of the child.'"

SRS, whose mission is "to protect children and promote adult self-sufficiency," declined to comment on Porter's case.

Normally, police take the child into custody and then SRS works with law enforcement to find a temporary placement for

have to assess the situation and make a recommendation, he said.

"Our first priority is to make sure the child is safe," Deines said. "Then, we really believe that it is important to preserve the family, so we're going to work to try and see if we can get that child back with the family."

There's a wide range of issues, such as neglect, truancy, abuse, that might get SRS involved in a situation. But ultimately, it's up to a judge to decide whether a child should be placed in SRS custody, Deines said.

Porter said the Fort Scott SRS office was handling his daughters' case.

While he didn't know how long he and his wife would protest the agency, Porter said that if he got his daughters back tomorrow, he would still be outside picketing SRS.

"I ain't gonna stop," he said.

Went to court around Feb.6,2009, had a witness stating that my daughter was raped in Linn Co.,Ks., the judge and the GAL knew this. The GAL asked the judge that he didn't want any testimony from 2007 and back. This knocked out my testimony in court and my witness's testimony, the judge granted it.

Two of my daughters were picked up on different times in 2005. They were sent back home in June of 2006 and they were taken away in June of 2006 with false allegations.

There were lies told on the witness stand by state workers and I had a paper to prove different and witness's. This didn't make any difference, my daughters were put back in state custody.

I have never had a fair hearing or trial. I would like to testify to your committee about what's going on.

Some of your laws needs to be changed. The laws you have in your book pertaining to A Child In Need Of Care or any laws pertaining to childrens needs to be changed.

All together, I have had 3 daughters raped. One was raped in Humbolt, Ks.,the second one was raped in Wichita,Ks.and the third one was raped in Linn Co., Ks. All 3 were raped in less than 2years while they were in the system.

This is what SRS calls In The Best Interest Of The Child and also In Need Of Care for the child.

Does anyone like these laws? I don't.

Don Porter

P.S: I have 2 daughters that aged out of the system and one still in the system.

2R

October 2007, my son was given an item by another student while he was attending Brooks Middle School. The item turned out to be a homemade bomb, one similar to the weapons used in World War II. My son didn't know what had been given to him. He didn't know that he could have been killed. He was so excited about the item that his school mate had made that he immediately showed it to his father when he picked him up from school. Dad told him that they should take the item to the school Principal and Assistant Principal. The fire department and the police department were called. The item turned out to be a live bomb. One that could ignite at any moment. The police searched the locker of the student (R) who had given the item to my son. The police found more explosives and a remote control. The police learned in their investigation that this student had carried this bomb for two weeks, showing it to other students. The police filed the report as my son **NOT** being a suspect. When the news media received the information about what turned out to be a bomb, my son was heralded as a hero to the media.

Sad to say, the Brooks Middle School treated my son like he was the law breaker. They expelled him from Brooks school. Why? *Because he touched it.* But in reality, they were working shoulder to shoulder with my ex-husband to assist him in gaining residential custody. That would mean that my son would attend school at Mulvane Kansas. The Hearing Officer felt the need to send a copy of his letter/report to the Mulvane principal stating, "...my son) was found with a weapon." There was no mention of his good deed. The hearing officer collaborated with the principals and the father to paint my son as a criminal. The hearing officer gave my ex-husband's attorney, my personal copy of his report. My ex-husband's attorney and the Guardian ad Litem presented my copy of the hearing officer's letter to the judge. The Judge accepted my letter and read it in front of me as I waited. I had no idea what was in my letter. After reading my letter, the Judge hands the letter to my ex-husband's attorney to give to me. The letter was addressed to me with my mailing information on it. This was a very cruel thing to do. Most of the matters concerning my son was hidden from me by all the above involved.

Sad to say, my son's father, GAL, my ex-husband's attorney and the judge, as well as Brooks school principals seized the opportunity to help the father get residential custody. . My son was a honor student when I had residential custody. He scored higher than the average on his State/District Language Arts and Math assessments. Immediately after my ex-husband received residential custody, my son's grades fell to zeros and 'F's. I returned to the Family courts in efforts to keep my son from failing. I was treated less than human. Over and over again, I tried to help my son, but all I received from the Judge was threats that if I continued to file motions and attend court, that my son would become in State's Custody.

As I write this email, I relive the anger and humiliation that I felt every time I would leave the court room. I was pro'se, I did the best that I could in my child's behalf. I can't believe that in the year 2009, I have been force to watch, as the system destroys my child. My son wrote the judge three letters begging to come home. The Judge ignored all of my son letters. It was at this point that I realized that the information that I was giving the courts to help my son, was being twisted and used against me. The courts favored my ex-husband and they were helping him to gain residential custody. They didn't care about my child or his rights.

The change in residential custody has proved to be detrimental my son. His father has kicked him out of his house on numerous times. The first time was in March 2009, I heard a knock at

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Attachment:



my door. When I looked out, I saw son, his father, fourteen trash bags in my yard and all my son's personal items. His father told me that he did not want my son. I felt sorry for my son because I know well the environment that he was living in at his father's home. He just dumped my son off as if he was a bag of trash. I immediately enrolled my son in our neighborhood school. The teachers at South High wasted no time trying to do what they could to help my son bring up his zero average. My son started to make good progress.

I filed a motion to receive residential custody of my son in May 2009. The judge gave me temporary custody until our next scheduled court date (four weeks later). He also ordered a Limited Case Manager. I remember thinking why? This father has abandoned his child, why don't the courts just give me my son??? I soon found the answer. The LCM was a close friend of the ex-guardian ad litem that I fired. During this time, the father violated the court order by picking up my son from school (three weeks before school) is out for the summer, so that he could regain custody. My son is not attending school anywhere. The Judges, LCM, guardian ad litem, attorney, everyone involved with our case have full knowledge that my son's father doesn't want his son, but their motives were clear. They wanted dad to have my son or for him to be given to State's custody. They don't care how he needlessly disrupts my son's life. Again, my ex-husband repeats his behavior by kicking my son out of his house and dropping him off on my door steps with all his belongings.

Would justice be served now? No, the conspiracy grew stronger. The judge had the SRS investigate. It was sickening when two SRS workers came to visit. They told us that in all their years of being a SRS worker (one caseworker stated sixteen years), that they had **never** done an investigation like this one. They told us that this visit was not an abuse or neglect matter, they really didn't know why they were there except for the fact that the judge told them to investigate. It is common knowledge that Wichita SRS can not be trusted. So, before the visit, I asked Clinney Taylor and Lorraine James to be present during the meeting. The ladies were an active part of this investigation. I also recognized Melinda Tredway from a visit about five years ago. The father had made false charges against me. Her investigation was thorough and she proved his statements to be untrue.

The next visit to court, July 2009, the judge said that the SRS report contradicted itself. The Judge did not share any of the information in Candy Hamilton's report with me. He chose to continue the pattern; to excuse the father's cruelty towards his son, ignore solid facts, excuse Dad's conduct, water down the facts to help the father to maintain custody and to continue the threat that Dad can have the child and if I keep making waves, my son would be turned over to State's custody. Again, this same old threat. It is deplorable how far professionals will go to prevent justice. I have made many requests to the SRS, their workers, Mellissa Treadway and Candy Hamilton, Martin Mendoza and the Judge's secretary. I also sent an email to the judge requesting a copy of the report. I have been ignored by all.

For summer school, my son's father put him back in Mulvane High School. An incident happened around the first of June while at school. My son and two of his school mates were playing in the school's parking lot. One student was driving her mother's car. **She allowed both the boys to drive her car in the school parking lot.** This happened on a Friday. The following Monday, my son's father took him to the Mulvane Police Department because he was hoping that

he could have him put in jail, thus relieving himself of the burden of his child( his father also tried to manipulate the Wellington police to arrest his own son. That attempt failed). When the Mulvane Police looked into the matter it was first viewed as teenagers playing. By Tuesday of the following week, the girl's mother wanted to file charges and requested new tires. My son is now on probation and will attend juvenile court October 1, 2009, at 1:30 p.m. for felony charges. This is such an abuse of justice. This child has been persecuted by the system that was created to protect him.

Monday, September the 14, 2009, I was in conversation with my son's juvenile attorney. She is a court assigned attorney. She works through Kansas Legal Aid. She told me that she had received a phone call from Ron(father). She states to me that Ron made the comment to her, "I do not want him, but I don't want his mother to have him either, I would much rather (son) goes to a third party." I asked her if she could do anything to help my son. She told me, "Not unless we plead to a misdemeanor." I was really taken back by this comment. Who will fight for my child's rights?

A few years ago, I wrote complaints on the GAL and my ex-husband's attorney. The Judges allowed them to retaliate against me. I have now written complaints on the Judges involved. When the judicial system wants to hurt a parent, they hurt the child. My son had suffered at their hands and they are still making him suffer, they know that hurts me. I love my child, it hurts.

Sincerely,  
Cynthia Rader

Cynthia Rader  
2255 S Glendale  
Wichita Kansas, 67218  
316-300-9392 (cell)

13-3

Stacie Roulston  
2205 N. Cross St  
Wichita, Ks. 67205  
316-729-7727

*Re: Failure to protect & conspiracy into the illegal seizure of 8yr. old A.J.S.V.*

To whom it may concern,  
On 10/14/05, I, Stacie Roulston, Mother of A.J.S.V. filed a Protection From Abuse Order which was granted by the Honorable Judge Wooley after A.J.S.V. disclosed he was being sexually abused. What started as a protection order for A.J.S.V. turned into a conspiracy to seize A.J.S.V from mother's custody with blatant violations of law and failure to protect him from sexual abuse.

**VIOLATIONS of Law (I have evidence for the following) :**

Protection Order was violated and interfered with by Law Enforcement and Social Worker

Law Enforcement Falsified police report to remove A.J.S.V from school

District Attorney's office and Law Enforcement Violated 72 hours as A.J.S.V. was illegally detained and missing for eleven days before hearing

Law Enforcement & Social Worker Illegally interrogated A.J.S.V.

Law Enforcement, Social Worker, & Attorney's Conspired with Father to place A.J.S.V. in State custody

Law Enforcement tampered with evidence, victim/witness

Social Worker tampered with victim/witness

Social Worker falsified documents to remove A.J.S.V. from mother's custody

Social Worker falsified request for Title IV funding

District Attorney's office falsified documents

District Attorney's office withheld evidence

Social Worker committed perjury during testimony

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A.J.S.V. was illegally kept in State Custody for over a year and a ward of the court for over 1 ½ years. I had filed for a fair hearing by the State of Kansas and Judge Stephen E Good reversed the findings. However, the DA's office refused to release my son back into my custody and instead offered immunity to the perpetrator and recommended sole custody placement of A.J.S.V. with the person he said had sexually abused him. For over 3 1/2 years I've paid \$50 cash to an off duty officer for 1 1/2 hours weekly supervised visits with my child.

I have evidence to support my allegations of violations of law, conspiracy, and failure to protect A.J.S.V.

Thank you for your time.

Stacie Roulston

Susan Summers  
7400 E. 32nd St. N. #704  
Wichita, KS 67226  
Cell: 316-218-2881

August 6, 2009

To Whom It May Concern;

Outlined in some detail below is a breakdown of the occurrences of the last 6 years of my daughter Lily's very traumatic 8 years of life, in which she was sexually abused by her father, my ex husband, Brian McBride. When I reported this abuse to the authorities, not only was my report initially ignored, but once there was also medical evidence to substantiate the abuse, Lily was removed from my custody, placed in state custody for two years, moved through 4 different foster care homes, and ultimately full custody was given to her father. As you read below, you will see the grave injustice this is as well as the blatant, repeated violations of the law by multiple state employees and officials.

I, Ms. McBride had primary custody of my child and no legal effort was pending to change that. Not to mention that Lily and I were resident's of New Mexico, and had been for almost 3 years and my divorce had been domesticated in that state as well. So Kansas had no legal jurisdiction to take my daughter or to even hear the case. But they did. (I have numerous documents substantiating that jurisdiction was in NM and that my Kansas attorney ignored my NM attorney's emails, calls, letters and court documents showing there were simultaneous proceedings in NM.) Second, I, Ms. McBride was attempting to appropriately verify, which is consistent with Kansas law, whether my child had been sexually abused. A Kansas Detective with EMCU then took the child based upon my efforts to verify whether Lily had been molested. No one has ever suggested I molested my child. (I have evidence that he and the caseworker lied in the CINC affidavit.

Third, it is unreasonable to require parents or care givers to report suspected abuse and then take the child immediately from the person who is attempting to verify the abuse.

Fourth, Mr. McBride stipulated to the court that Lily was as child in need of care when she was not. This stipulation was based upon was based upon counsels advice that I was stuck in the system and that the quickest way to get my daughter back was to go along.

Fifth, no serious effort was ever made to investigate the sex abuse allegations. In fact, the court, in a written opinion, appears to find there is no evidence to suggest the same, when there is an abundance of independent evidence from third party sources (including the state's own expert witnesses) which contradict these statements. (I have their reports and court transcripts as evidence.) a Kansas EMCU detective, received physical evidence from the SANE nurse at the hospital after Lily's exam and failed to have it tested for DNA, instead this detective testified in court he did not know where it was. I have since been told by the Wichita Police Department property and evidence department that the

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Lily with Susan McBride, allowing a return to New Mexico. 2. Order future visitation between Lily and Brian McBride to be professionally supervised indefinitely for Lily's protection. EMCU will need to determine whether to pursue action such as confirmation of Brian as a perpetrator based on evidence at hand (emphasis added).

Despite these two professionals urging immediate reintegration of Lily with me, the Court did not do so. Instead, Lily was placed in four different foster homes over a period of two years in foster care, with the result of emotional and physical deterioration and injury.

As a result of my persistence in this case, the following has been determined:

McBride [Brian] then stated that in July 2002, Lily's face had brushed up against his penis, outside his boxer shorts, when he was bathing her .. Lily's mouth could have touched his penis for a split second. Mr. McBride had initially stated, He's never taken a bath with Lily by himself. Based upon her (Lily's) exploratory and compulsive behaviors, as well her SANE/SART statement and findings in 2003, it can be concluded that Lily has more likely than not been sexually molested or raped .. It is very likely that exposure to sexually explicit material, grooming for abuse, or victimization first happened during summer 2003 visitation with the father and his family. (I have copies of this report.) The peri anal fissures in 2002, the renewed redness in July of 2002, and the pain in 2003 when she was examined, as well as the infection of unknown origin are more findings than are usual in an alleged preschool abuse case. SAE of April 6, 2004. The SANE/SART records of December 25, 2003 state that Lily said that something big and fat ... like a mountain had been placed in her vagina. (I have copies of this and all medical reports.) Lily developed an HPV wart on her genitals. Reported by Nurse Practitioner Menefee. (I have a copy of this report.)

Every time a piece of evidence becomes known, the District Attorney's Office and the EMCU begin developing ulterior explanations instead of aggressively and seriously investigating the facts. It is dismissed out of hand with what appears to be insulting, snide remarks or ignored. Lily's vagina was seriously irritated and showed an abrasion after visiting Mr. McBride, so the State decides it must be due to falling in a bathtub or that I did it. Lily develops an HPV wart, so the State decides it must be due to hygiene. Mr. McBride states that his penis may have fallen out of his shorts and may have come in contact with Lily's mouth, so the State decides that was just an accident. Lily inserts objects into her vagina, masturbates, humps people, and smears feces on the wall, so the State decides that is just a kid being a kid.

Even more concerning is how the Court, the State, and the Kansas system as a whole seems to believe Mr. McBride, while constantly attempting to discredit me and ignore my pleas for help for my daughter. This is occurred despite the fact that Mr. McBride has lied on crucial points which are directly relevant. In his interview with the KBI and Kansas EMCU Detective, he initially stated that he had never given Lily a bath by himself. By the end of the interview, he not only gave her a bath, but was in the bathtub with her and her mouth may have come in contact with his penis! (I have the videotapes of this interview that occurred after the polygraph test, as well as the KBI's report that says Mr.

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McBride failed the test especially regarding the question as to whether he had oral sex with Lily.) In 2003 this case was taken to Sedgwick Co. D.A. and was not prosecuted.

Please investigate these crimes against children and families by our own state government officials who crassly continue their crimes without consequences.

Sincerely,

Susan Summers, M.S., M.Ed., AAP

November 20, 2009

CPS STORY

My name is Loretta Weber and I work in a seasonal position. My story started in February 2002 when my 15-year-old daughter had a fight with her dad while I was at class and she tried to overdose on aspirins. She took 20 aspirins and I didn't take her to the doctor until the next morning. After seeing the doctor, I was advised to take her to the Shawnee Mission Medical Center where she could be evaluated by a psychiatrist. After being seen by the psychiatrist for five minutes, he prescribed 50 mg Zoloft for her. I was then interviewed by an investigator who worked for SRS in Kansas. She wanted me to have family preservation services which is CPS contracted and to make visits and check on things.

For about two weeks things were fine except my daughter tried to hang herself. This was because her doctor raised her Zoloft to 100 mg. Thank God the attempt failed, but when I took her back to Shawnee Mission Medical Center to be seen again, the SRS investigator found out and then decided to remove my daughter from the home as she felt I could not handle her depression. She also took my 10-year-old son from his fourth grade class for no known reason.

My children were then referred to an organization called "The Farm". I was told by the social worker who worked for "The Farm" that my children could not be placed with any of my relatives because they lived out of state. Also, my daughter and my son were not placed together and put into two different foster homes.

Because my daughter was not supervised very well in her foster home, she met up with a 27-year-old man who took advantage of her and gave her an STD. She never had sex before going into foster care.

My son shrunk two inches while in foster care because of an inadequate diet. My daughter also shrunk as she had an inadequate diet.

My son was moved twice while in foster care and my daughter ran away with the 27-year-old man while there and was not seen or heard for 30 days of which the social worker at the time handling our case did not report to the judge at the hearing of her running away.

My daughter was caught hiding at the 27-year-old man's house and he only served 8 months for "harboring a runaway". When he got out of jail he ran away with her again and this time they were caught again and she was put into juvenile custody. I finally got my son back July 2002 and my daughter back in July 2003, out of juvenile custody. I had to take parenting classes, therapy, meetings with social workers, home inspections, and a "Protective of Abuse Order" had to be signed by their dad as they said I was medical neglect and he was abusive. I also had to pay an attorney to help me with getting them back and for other things.

This whole ordeal happened because my daughter was depressed and the investigative social worker felt I could not handle it. A lot of this was government time and money wasted because of overzealous social workers who make up rules as they go and don't follow guidelines and have biased opinions of a parent and feel they have the power to try to destroy that person and there are too many that get away

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with it. I believe the child protection services (especially SRS in Kansas) should be totally reformed and made sure that the social workers are following the rules and guidelines and not making up the rules as they go. Also, the investigative social worker who took my children did not like me very much from the first impression so I believe that was another reason she took my children.

My daughter is now 23-years-old and is a chain smoker because she got addicted to cigarettes while in foster care from the 27-year-old man who kept buying them for her. Also, she has to have checkups every six months instead of yearly pap smears because of the STD. She also quit school in 2003 and decided not to go back because she wanted to be with the 27-year-old man all the time and she missed a lot of school and could not make it up. She got her GED instead which dashed my dreams of her getting a high school diploma and going to the prom. My son is doing well only because he was in foster care four months, yet he still worries about being taken, although he is 18-years-old now.

I am still traumatized from what happened and probably will be the rest of my life as I cannot trust anybody anymore. Also, I worry about anybody that has children today and worn new parents to watch out for home invasions by social workers.

Hopefully, something will be done about reforming the Child Protective Services and it will be done soon. This is my story and a lot of it is hard to remember because I am still traumatized by what happened.

913-768-7781

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

P.S. and  
C.S.,  
By their Guardians,  
LINDA NELSON and  
RANDALL NELSON,  
Plaintiffs,

vs.

The Farm, Inc.,  
Defendant.

Case No. 07-2210-JWL

COMPLAINT

Plaintiffs state as follows:

1. Linda Nelson and Randall Nelson were appointed by the Leavenworth County District Court of Kansas on July 7, 2004, as the Guardians for P.S. and C.S. They are the acting guardians for the minors. The guardians are citizens of the State of Texas.
2. P.S., born [REDACTED], and C.S., born [REDACTED], are citizens of the State of Texas.
3. The Farm, Inc. is a corporation with a principal place of business in the State of Kansas.
4. This court has jurisdiction by 28 U.S.C. Section 1332.
5. The acts that give rise to this action occurred in Kansas.
6. On or about February 25, 2003, The Farm, Inc. commenced foster care services for the minors, pursuant to a contract with the Kansas Department of Social and Rehabilitation Services.
7. The Farm, Inc. was responsible for assessment, screening, arrangement for appropriate mental health services, and management of the minors' foster care.

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8. On or about February 24, 2003, The Farm, Inc. placed the minors in the home of Roy and Janet Bartram, licensed foster parents. The minors remained in the Bartram foster home until March 5, 2004. The Bartram foster home is in Wyandotte County, Kansas.
9. Nathan Bartram, the then-teenaged son of Roy and Janet Bartram, resided in the Bartram foster home from February 2003 through March 2004.
10. From February 24, 2003, through March 5, 2004, both minors were physically and sexually abused by Nathan Bartram, including acts of rape, sodomy, and attempted murder, all occurring in the Bartram foster home.
11. The Farm, Inc. had actual knowledge that P.S. and C.S. were being physically and sexually abused by Nathan Bartram, as described above in paragraph 10, while such abuse was occurring.
12. Despite its actual knowledge, The Farm, Inc. failed to act or take any steps to protect P.S. and C.S. from the harm they suffered while in the Bartram foster home.
13. The Farm, Inc. owed a duty to the minors to exercise ordinary care in the placement and supervision of their foster care.
14. A tort duty of The Farm, Inc. arose when it undertook to render services for P.S. and C.S., which services were necessary for the protection of the minors.
15. The Farm, Inc. breached its duty to P.S. and C.S. by failing to act or take any steps to protect them from the harm they suffered in the Bartram foster home.
16. As a direct and proximate result of the breach of The Farm, Inc.'s duty, both minors have suffered and will continue to suffer damages associated with their severe and permanent physical and emotional injuries while in the Bartram foster home.
17. P.S. and C.S. are each entitled to compensatory damages in excess of \$75,000.

18. P.S. and C.S. are each entitled to punitive damages in excess of \$75,000.

PLAINTIFFS PRAY that this court enter judgment in excess of \$75,000 for compensatory damages for each plaintiff and that the court enter judgment in excess of \$75,000 for each plaintiff for punitive damages, and for such further relief as the court may deem proper.

SHELTON LAW OFFICE, P.A.

s/Michaela Shelton

Michaela Shelton KS No. 16440

Attorney for Plaintiff

8417 Santa Fe Drive, Suite 205

Overland Park, Kansas 66212

(913) 341-3001

(913) 341-4289 (Facsimile)

attorney@sheltonlawoffice.com

**JURY DEMAND**

Plaintiffs demand trial by jury.

s/Michaela Shelton

Michaela Shelton KS No. 16440

**REQUEST FOR PLACE OF TRIAL**

Plaintiffs request that the trial of this case be held in Kansas City, Kansas.

s/Michaela Shelton

Michaela Shelton KS No. 16440

From: [REDACTED]  
To: kathy [REDACTED]@ [REDACTED].com  
Date: Thursday, July 30, 2009 3:10:01 PM  
Subject: Fw: [REDACTED]

We are in big trouble. That's what my thoughts are. We will not be able to rely on the court records any longer with how [REDACTED]. Prime example: When Judge [REDACTED] said to me and my husband "We are not getting our daughter back because we wouldn't by a son a new game-boy" I am trusting that the court report at that time was keeping accurate notes of the conversation that took place. When Judge decided to remove our rights and took our children he said: "I don't just decide cases based on facts along (which he had plenty of facts that we were not abusive nor neglectful parents), I also decide cases on body language", and so based on my body language he felt comfortable in removing our parental rights. I at least have it in writing where the judge wrote that he didn't think I was humble. But if the court reporter did not take accurate notes, or choose to leave out parts that was said in court, maybe through an understanding of what to subscribe and what not to subscribe, if the court reporter's due diligence was to the judge or to the state for that matter, then it's even harder to prove the misuse of power. That coupled with closed records along with an order of silence is lethal. Very lethal is it in a nutshell.

If we don't get the public's attention and support soon, and I mean very soon, an enormous number of families are going to suffer at the hands of the state.

[REDACTED] it has motivated me to work even harder with any and all groups who are for total reform of CPS/SRS and the change of legislation to protect the families from these slave-block owners who are putting our children, grandchildren, cousins, nieces, aunts, uncles, brothers and sisters on the slave-block auctioning them off to the highest bidder after they "CPS/SRS" have made their maximum dollar off of them.

I am very angry, but it has angered me to try my loving best to do more to help bring about a change. [REDACTED]  
[REDACTED]  
[REDACTED]

Thanks  
Arnetta Jefferson  
Organizer  
arnetta@sunfloweract.org  
316-264-9972 x23

*Joint Commit*

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Kay Coon  
2405 South Capri Lane  
Wichita, Kansas 67210

On 4/6/07, my four-year old grandson and his brother were taken into protective custody. Their mother was incarcerated and charged with aggravated indecent liberties to a child because of a statement my grandson made to me on 3/31/07. He was placed with me on 4/12/07, and his step brother was put in foster care.

On 5/30/07, our first case manager told me she planned to move my grandson to the foster home with his older brother. I requested a meeting with her supervisor to protest the move. We met on 6/4/07. On 6/8/07, the supervisor told me they had decided to leave my grandson with me. During this conversation, I made my first request for a new case manager. CPS Private Contractor agreed (after several requests and meetings) to give us a new case manager, then changed their mind and denied the request. I had concerns about the case manager's obvious bias in favor of the mother, her attitude and treatment of the father, etc. (I have a letter from CPS Private Contractor confirming this). Note: we are currently on our 5th case manager, 7th visitation supervisor, and 2nd judge.

CPS Private Contractor conducted an "unauthorized" visit between my grandson and his mother on 11/5/07, violating a court order. We were given a new case manager shortly after this. (I have a court transcript confirming this).

In the spring of 2008, at a meeting with my kinship worker, I was told the mother's parental rights would probably be terminated and the case goal changed to adoption. That never happened.

At a case plan on 11/17/08, the case manager accused my son of being intoxicated and had him escorted out of the building by security. My son was tested about two hours later at Kelly Compliance. The test showed a blood alcohol level of .027, well below the .080 blood alcohol limit. However, the case manager refused to accept the findings and still insisted/reported he was intoxicated. (Have copies of alcohol test).

At a hearing on 1/29/09, the SRS attorney stated the father had showed up at a visit with his son drunk. That statement was not true. CPS Private Contractor was well aware of that, but made no attempt to correct or clarify. (I have copy of court transcript to verify).

On 4/17/09, the day before my grandson was reintegrated with his mother, he stated his mother had told him "if she did bad things to him again, not to tell anyone." Our CASA worker came to my home on 4/18/09, and he repeated the same thing to her. Later, in response to my question regarding it, the case manager told me none of the therapists had any concerns regarding his statement.

I provided CPS Private Contractor (case manager and therapists) copies of some of the most incriminating journal entries of comments/behavior of my grandson indicating sexual abuse. I also provided statements from his kindergarten teachers indicating behavior concerns. These have been consistently "explained away." (I have copies of journal entries dating from 2002-2009, as well as, statements and school records from teachers).

At mediation on 7/13/09, the case manager attended with the mother and specifically asked that full custody be given to the mother who had sexually abused her son. She also argued against giving the father (who has never harmed or abused his son) any more than one hour/week, supervised visitation. She used his mental illness as a reason for the limited/supervised visitation, even though his psychiatrist has repeatedly provided statements affirming his stability in regard to his son. The father has repeatedly expressed a desire for increased visitation with me supervising. The case manager also attended a hearing in Sedgwick County Courthouse with the mother (having nothing to do with the CINC case) later that same day. The hearing involved my son and the mother.

At a hearing on 8/13/09, the CPS Private Contractor therapist recommended giving the mother full custody of my grandson. This same therapist, in the past, had recommended no visitation between the father and his son. Prior to the CINC case, the father had joint custody and three hours/week visitation, plus every other weekend from 6:00 p.m. Friday to 6:00 p.m. Saturday, with me supervising. None of the (3) therapists involved in the CINC case have ever met my son, spoken with him, or spoken with me regarding him. My son has never harmed or abused his son. What this therapist is basing her recommendations on, I have no idea. At this same hearing, the GAL stated it had been reported by the CASA worker (I had informed her) that my grandson, in response to his father asking him if he was still sleeping in his bunk bed, said, "yes, and that sometimes he sleeps with his mom." That has since been "explained away" by the in-home therapist.

The father's visits with his son, for the majority of the time the past two years have been limited to one hour, once a week, supervised by CPS Private Contractor, based on discrimination due to his mental illness (in spite of statements from his psychiatrist regarding his stability, compliance with his medication and regular visits with his doctor for the last 6 years) and concerns about his drinking, even though his drinking has never been an issue at visits with his son. He has been getting monthly shots of Vivitrol 1 since April, 2009, at the recommendation of his psychiatrist to help control his drinking and is currently in his fifth week of alcohol treatment.

On numerous occasions over the past two years, I have met with case managers, their supervisors and the supervisor's supervisor, placement directors, therapists, the ombudsman, and the Director of CPS Private Contractor, regarding my concern about placing my grandson back with the mother who sexually molested him. To no avail. After living with me for two years, my grandson was placed back with his mother on 4/18/09. As of the reintegration date, CPS Private Contractor had no visitation whatsoever put in place for me with my grandson. His father still has only one hour, once a week, supervised by CPS Private Contractor. When I asked the case manager about visitation for me after reintegration, she said the normal time for grandparents was one hour/month and that was all the mother wanted to give me. At my request, a meeting was held at CPS Private Contractor on 5/13/09, and the mother finally agreed to give me two hours/week visitation.

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Writhe  
Jessica Arias  
April 15, 2009

To whom this concerns;

Hello my name is Jessica and I was wrongly accused of being mentally ill, forced to take medication and a restraining order was also put against me.

I was mistreated by my husband. I went with my children to a domestic violence shelter in Missouri Florida. At the shelter I took care of my children and I took them to daycare and school. Then one day I saw a diesel truck with my husband Joel driving it, so then my children and I were moved to another shelter in Delray Florida. I took care of my children and I took them to daycare and school. Then one day a woman at the shelter thought I stole a wallet from her so she threatened me and said "I will beat you up and call Children and Families so they take your children away from you." I was afraid of her and I didn't want her to beat me up and call them to take my children away from me. So I went with my children out of the shelter and went to a home and asked a lady if she can help me call a shelter for us. She said she did not know any shelters around so she called the police to help me. The lady offered to give me some socks for my baby son. I said yes thank you and I put the socks on his feet. The police took me to the same shelter. I asked the lady staff member if she can please call another shelter for me. She would not call them. So I packed up the stroller with diapers, food, and clothes. Next I put shoes on my children. Then I headed out with my children to get help. I went to a home and asked someone to call a shelter for me. We had a ride to the church. At the church the man said "I'm sorry you can not stay." I left and walked my children across the street, there was a hill and a car stopped right before us. We walked to the sidewalk and then went to another home and I asked the lady if she could please call a shelter for us, she called the police and they took me to the police department. At the police department, I was stressed so I said "Hallelujah" so many times loudly. Then my children ran around and I tried to calm them down. The police thought I had a mental illness. An officer took my baby son Isaiah out of my arms I said "Don't take my baby." Isaiah cried for me, I cried for him. Then another police officer backed up my daughter Sarah and my son David into a room, they cried for me and I cried for them. An officer handcuffed me. Thanks to God our children were brought to my husband. An officer said that I will be evaluated. I was taken to Southeast Mental Health facility. I was stressed so I paced back and forth many times. Then some people who worked in the facility took me to the mental health unit. There at the mental health unit I was evaluated. I took a shower, ate, and slept. I did not stay alone, I socialized and talked to the staff and said, how are you?, I am good, I miss my children, I love God, I wish I could go home, I need to wash can I have some shampoo and soap? The lady gave me some shampoo and soap. I took care of myself. Then I read part of a book, it was from alcoholics anonymous. Even though I never was an alcoholic, I was interested in learning how they help others. The others in the unit were nice to me and I was nice to them. At the court hearing I said I'm innocent. But still a man pleaded against me and he didn't know me, he said that I am mentally ill. They agreed with him. So then they made me take medication for paranoia schizophrenia. There was a lady who interviewed me. She asked me about my children. I asked her if she can please get them a guardian lightem, because I didn't trust Ramon Hart the friend of the family, because he sexually harassed me. Instead of having a guardian lightem check on them, she called CPS. They were going to take our children away from my husband. She said they will take them from him and give them to me. I did not trust CPS and thought they would take them from me too. So I said to CPS on the phone no I don't want

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them to take my children away from my husband. Next my husband called me on the phone and said "Jessica they tried to take them from us." I said "don't worry they won't take them." Then my husband Joel said "Are they going to take them to give them to you?" I paused and then he hung up. Then my husband told CPS that I was in a mental unit. Then CPS told my husband, "do not let Jessica go near the children, she is not fit for them. Jessica needs to have a restraining order against her." They threatened my husband that if he let the children by me they would take the children away. Justice needs to be served. My husband put a restraining order against me and filed false reports against me so they don't take our children away. They then did not take our children away. I called my sister up and asked her to help me and come and get me. She came all the way from Kansas in her van and some of my family members came too. After my sister arrived a staff member said they were going to take me to a ward also a staff member said, "In order for you to take Jessica with you, you need to take her to mental health center. So she agreed to and signed a paper to take me with her. She then took me to Kansas and then I went to Johnson County Mental Health. The doctor said that I didn't seem to have paranoia schizophrenia, he diagnosed me as having bipolar. I told him that I don't have a mental illness. He did not test me. He still allowed me to take the same medication: Risperdal. I went to a hospital when I stopped taking the medication. My sister and cousin said to the police, that I needed to take it and I refused to, I did refuse to take the medication. So I was taken by my sister who did not know any better to the hospital. At the hospital they forced me against my will to take medication, a police officer held me down and they gave me a shot. I felt so tired and full of pain. I had a hard time staying up, I kept falling asleep. My sister felt bad for it. My sister woke me up and gave me some food, she said that I should of taken the medication. Then later on my sister said Jessica is not taking her medication, I did refuse to take the medication. Then I was taken to KU medical and I signed a paper stating that I am involuntarily here. I stayed two weeks. They observed me and asked me if I will take medication, I said no. So they sent me to Rainbow Mental Health Facility. At rainbow I refused to take medication, so they waited one week and then they forced me to take medication by giving me shots. I had to get two shots a day. Then I was sore from having so many shots, I gave in and started taking pill medication. Then finally they took me off of the pill that was to make me sleep. I showered, ate, slept, and socialized. I knew I am not mentally ill. I had a court hearing, and they said that I am mentally ill. My attorney appointed to me said "you need to say I'm going to still take my medication." I still was going to take my medication, so I said it. They said that I need to stay till they see me taking it responsibly. Then after a while I was sad because I was not feeling good I was tired I thought about my husband and children and I missed them. Then the nurse wrote about me and the doctor prescribed more medication for me to take, it was one to sleep and one to not have depression but, I didn't need them. I was not depressed and sometimes I woke up because some of the other staff members came into the room and talked to each other and they were not quiet. Later on, my husband visited me and took me to taco bell to eat. Later we kissed and spent quality time together. I was finally let out of rainbow and then I was sent to CRC. CRC is next to C.S.S. Community Support Services in Shawnee. They watched me take the medication for depression and paranoia schizophrenia. I did my laundry, showered, ate, slept, and tried to get a job. My husband called me and met me at CVS across from C.S.S. He gave me a kiss and we spent a quality time together. I did so well that they said I can now go. I met a lady at C.S.S. she let me stay with her and we became friends. I then got a job and later I moved and I with a friend that I met at CRC. Her boyfriend had a nice dog. They left for a while. I opened the dog's cage and he ran out and I pet him. Then after they came back, my friend's boyfriend got mad at me and said "If you ever mess with my dog again I will punch you out." I moved in with my sister. Then I finally got an apartment 1 bedroom. I still have been working. CPS told my husband that if he gets a divorce then it will make things better. Then my husband said that I will be getting a divorce, he said "I want to be free." I told him "you can still be free and be with me." I told him "I don't want a divorce, I love you." I did not have much. I sent our children birthday and Christmas gifts and I sent cards and letters to my husband and children. I love my

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husband and children. I took care of our children from since they were born till February, 2007. Sarah is 8 years old, David is 5 years old, and Isaiah is 3 years old. I love Joel my husband. I love Sarah, David and Isaiah, our children. I raised our children while I was with them. I gave our children baths, put clothes on them, fed them, took them to the beach, took them to the store to buy food, soap, shampoo, toothpaste, etc. I cleaned their clothes. I took them to daycare and school. I gave them hugs. I took them to church. I cherish them. I want my husband and children back. I am a Christian and God speaks and talks to me and I hear him. I hear God speak and talk to me every day. God told me that I am an ordained woman of righteousness, minister and pastor. He also told me that he is here for all of us, he loves all of us, we all are his children, and he will always love all of us.

**We need help.** I am not mentally ill; I am a good wife, mother, and person and I need justice. P.S. I don't need CPS to interfere and I don't want them to dare take our children away from my husband either.

Thank you for taking the time to read my letter. I hope to hear from you.

Sincerely,

Jessica Arias

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Melody Gerow - Petitioner George Gerow - Respondent KS Case JO 96CV08900

- January 1, 2003 -Due to the inability to set boundaries and have them respected by father, Demi moved in with father
- April 11, 2003 - Emergency order to remove children. No trial, no evidence with exception of state worker reports and father's opinion. Emergency order from Judge for Scarlett to move in with father and State to decide on visits. Attorney now Judge JOCO KS,
- April 2003 - Mid 2005 Monitored visits with girls with CASA
- November 1 2003 - left home - 3 of George's friends filed civil charges that I attempted to kill and molest them. No evidence but testimony. Judge recommends I move, so I obeyed moved in with family member
- Mid 2003 – Court appointed family counselor; Johnson County Mental Health (JOCO)
- Mid 2003 - Court appointed Child Psychiatrist. I met her one time in 2003
- April 17th 2003 - phone contact with mom and girls allowed by Judge
- July 15th 2004 - Mediation ordered with Johnson County Court Services,
- June 1st 2006 - Residential Custody moved to mom when Demi moved in with me after father told her to leave, took her car keys and shut off her phone;
- July 28th 2006 - Judge allows orders Scarlett (14 years old) to decide on visits with mom.
- July 2006 - Home study done by; Johnson County Court
- July 2007 - Obtained new attorney
- February 13th 2008 - Case Manger appointed
- May 2008 - Notified major craniofacial surgery for Scarlett scheduled
- June 2008 - Found out Doctor was running for State Senate
- June 2nd 2008 - Requested 2nd opinion
- June 3rd 2008 - Motion to revoke medical decisions for Scarlett filed by father
- July 7th, 2008 - Telephone conference for 2nd opinion turned to trial. Mom's rights to make

medical decision revoked.

- July 23, 2008 - St. Lukes Hospital would not allow surgery stating custody issues
- August 2008, Dropped counsel
- August 11th 2008 - Jeffery King files appeal to Judge decision that revoked mom's rights to make medical decisions
- October 9th 2008 - Appellate Case Moved to Supreme Court
- August 1st - Melody Gerow work Pro Se in district courts
- March 26th 2009 - Case on KS Supreme Court Docket



RE: Case No: 2008-JC-000359  
Kaylie Ficarra-Hastings (minor child - DOB 4-03-2008)  
DeLane Hastings (father of minor child)  
4527 E. 55th South  
Derby, KS 67037  
(316) 788-1160

This letter is in regards to the unlawful removal and confinement of my daughter, my only child, by SRS/CPS. My daughter was 3 months old when she was removed from the mother's home. The mother and I do not, nor have ever lived together. On July 3, 2008, Wichita PD responded to a call from SRS/CPS, stating that they (SRS/CPS) had received information that a child may be a child in need of care. Law enforcement removed my child, with no court order, along with 3 other children, from the mothers home (not mine). No case worker was ever present during the removal of the children. At no time have I ever been named in the allegations, been accused of any wrong doing, been involved in any criminal investigation or been deemed unfit to be a parent. I own my own home, I've been employed with the same company for over 17 years, I do not nor have I ever used illegal drugs, I do not abuse alcohol, I have no criminal record of any kind (I don't even have a speeding ticket on my record). I am a non-offending parent who has done nothing wrong and still I have been denied my parental rights to have and care for my daughter.

I was never notified by any official that my child had been or was being removed from the mother's home. It was the mother who notified me and it was I who initiated contact with law enforcement in an attempt to secure the release of my child to me. During my initial contact with law enforcement, WPD denied any knowledge of the removal of my child or that there had even been a call dispatched to the mothers home. After subsequent attempts to locate my child, WPD finally acknowledged that my child had been taken into protective custody. WPD refused to release my child to me stating that it was the law that they hold the child for 72 hours. This is a complete misrepresentation and contradiction of Kansas Law. (See below)

At the Temporary Custody hearing on July 9, 2008, I was presented a copy of the CINC petition, filed by ADA , which was full of false and erroneous information. Along with misleading information, the petition contains statements that I never made. SRS/CPS has an affidavit that verifies my claims, but to date, SRS/CPS has refused to release the documents. (Evidence) SIRS/CPS has acknowledged to me that the information contained in the CINC petition is not accurate. (Evidence)

At the Temporary Custody hearing, my paternity to my child was questioned, even though my name appears on the birth records as the biological father.

On August 27, 2008, I attempted to file documents to the court, disputing information in the petition. I was denied the right to file documents by the order of the Sedgwick County Judge. August 28, 2008 and October 16, 2008, I am threatened with contempt, by Sedgwick County Judge, and told I would be arrested and jailed, if I speak publicly which is a direct violation of my Constitutional rights under the First Amendment to my right to freedom of speech or of the press.

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January 30, 2009, a Sedgwick County Judge stated in open court that the mother's pending criminal proceedings would not be considered in any way in juvenile court. (Evidence)  
On March 25, 2009, a photo from the mother's criminal investigation was allowed to be submitted as evidence against me during my adjudication, a photo from a criminal investigation that I am not a part of.

March 25, 2009, my child was adjudicated a child in need of care in regards to me under K.S.A. 38- 2202 (11) " ... residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected". But, it was not my residence that she was residing or removed from. (Evidence)

On July 22, 2008, a Permanency Plan was put together. It states that the permanency goal is "Maintain at home" with no concurrent case plan listed. No reintegration plan was attached. In court documents from August 28, 2008, it states that "The Court approves and adopts the proposed permanency plan". (Evidence)

On February 3, 2009, the Permanency Plan was reviewed and updated. This time it stated that the permanency goal was "Reintegration" with the concurrent case plan being "Adoption". No explanation for the change to the Permanency Plan was given and no reintegration plan was attached. In court documents from April 16, 2009, again, it states that "The Court approves and adopts the proposed permanency plan". (Evidence)

On June 18, 2009, the Permanency Plan was again reviewed and updated. This time, the "Permanency Objective" placed emphasis on (preparation for) adoption. Again, there was no reintegration plan attached. (Evidence)

For 16 months there was no reintegration plan submitted for my case. No explanation as to the failure to submit a reintegration plan was given. When a reintegration plan was finally presented to me, no time line was provided for completion of reintegration. A reintegration plan cannot be valid without a time line for completion. I refused to sign the documents because no time line was provided. CPS Private Contractors stated that no time line would be submitted until "certain tasks" (which were not part of the Permanency Case Plane) were completed. CPS Private Contractors requested the judge to court order the additional task, even though a mental health staffing had been held in June and determined that no additional task would be required.

Throughout my case, I have been plagued by misconduct and a lack of representation by attorneys. After paying my first attorney \$1,800, he refused to file any motions, obtain pertinent documents or file an appeal as allowed under K.S.A. 38-2273 (a). He even suggested that I commit perjury stating that it would make things easier for me. I was ordered to submit a Domestic Relations Affidavit. My counsel insisted that I fill it out myself. Once I completed the DARA, I turned it in to my counsel for him to submit to the court. There is no record of my DRA ever being filed. (Evidence) Counsel also stated to me that he did not know what kind of representation I would receive if I didn't continue to make his required payments. Once my savings was depleted and I was unable to meet his demands, he abruptly withdrew. (Evidence) My second attorney, court appointed, likewise, has refused to file motions or an appeal to the adjudication. When asked about an appeal, he stated to me "If you want an appeal, write it

yourself". (Evidence) This attorney also has stated to me that "any court appointed attorney is going to represent the interest of the state". This attorney has attempted to manipulate me into "going along with the petition" and "plead no contest" even though I am not named in the allegations or charged with a crime. (Evidence) This counsel has also failed to follow through with my concerns for my daughter's physical well being while in state custody. After 13 months in state custody, my daughter has only gained one pound. At 3 months of age, when she was taken, she weighed 15 pounds. 13 months later, she only weighs 16 pounds. (Evidence) This places her below the third percentile for growth and development and is considered potentially life threatening. During her stay in state custody, I have observed cuts, bruises and burns on my child with no explanations given, as well as horrific diaper rashes. (Evidence)

In December, 2008, I participated in a parent/child evaluation. Information was shared with the therapist by the case worker. (Evidence) The fact that information was shared negates the possibility of a fair evaluation as the opinion of the observer has been influenced and is therefore biased.

The resource mom has been allowed open access to my confidential case file. (Evidence) Further more, the resource mom is an employee of DCCCA and is listed as a "Foster Care Case Coordinator". (Evidence) In my estimation, this creates an extreme conflict of interest, especially when it is taken into consideration that she is drawing two salaries off of my child.

All court proceedings have been taken by electronic recording, except for my adjudication on March 25, 2009, which was transcribed by the wife of our Deputy DA, who is in charge of Juvenile Court. (Evidence) This, also, is an extreme conflict of interest, especially when it is taken into consideration the comments of the SRS secretary who stated that the DA bullies case workers into filing false reports. (Evidence)

I have not been ordered to participate in therapy although I have done so voluntarily. Since I have not been diagnosed with any mental impairments, my therapist has not filed any negative reports to the court. On April 16, 2009, the Sedgwick County Judge stated "He (my therapist) isn't telling me anything, so I am not interested in hearing from him anymore. No further reports from him will be accepted as evidence". I have copies of all reports and letters prepared by my therapist. (Evidence)

As required, I have carried health insurance on my child, but have not been allowed to use it. I have been told that any medical expenses incurred by my daughter while in state custody would be covered by her state issued medical card. (Evidence)

I am a non-offending parent who has not been accused of any wrong doing. In an SRS/CPS report, it was determined that my daughter had not been mis-treated. (Evidence) I have completed my court orders successfully and have received highly positive reports from all parties involved. (Evidence) I have even been commended by the judge, the ADA and the GAL for such positive reports. I have had case workers tell me that my daughter needs and deserves to be with me. (Evidence) And still, they have refused to release my child to me. In the mean time, my child is suffering, needlessly, physically, developmentally and mentally at the hands of the state. At the end of my visit with her, she becomes clearly distraught and begins crying and reaching for me helplessly as she is being taken away. My daughter has suffered physical injuries: cuts,

bruises, bums, repeated diaper rashes and unexplained illnesses. She is severely under weight. My daughter is failing to thrive in state custody. To subject my child to this type of environment (especially without just cause) is unacceptable and unlawful. By its own standards and guidelines, the state is and has been committing child abuse.

Kansas Statutes and Violations:

Violation: No preliminary inquiry was made by SRS/CPS, prior to the removal of the children as outlined under K.S.A. 38-2230.

Violation: Law enforcement did not deliver my child to me as outlined under K.S.A. 38-2232 (a).

K.S.A. 38-2242 (a) which states "Nothing in this subsection shall be construed to mean that the child must remain in protective custody for 72 hours". In accordance with K.S.A. 38-2232 (2) (t), "law enforcement has the authority to release the child at any time". But, they did not and no reason has ever been given to justify their actions other than the above mentioned.

Violation: K.S.A. 38-2242 (2) states that "a parent shall be given at least one supervised visit during the 72 hours while the child is in protective custody". I was not allowed to see my daughter until July 16, 2008, nearly 2 weeks after she had been taken.

Violation: Under K.S.A. 38-2205 (a) and Administrative Order 100 of the Kansas Supreme Court, The Guardian Ad Litem is to conduct interviews with the parents as part of an independent investigation. To date, she has made no effort to contact me. On July 10, 2008, it was requested, in court, that I be allowed to speak: with the GAL. My request was denied by the judge citing that an interview with me is "not relevant".

Violation: According to K.S.A. 38-2251, a temporary custody order is only valid for 60 days. My daughter was placed in temporary custody on July 10, 2008 and remained in temporary custody until April 16, 2009, over 9 months. (Evidence)

Violation: K.S.A. 38-2263 (b) states that "an initial permanency plan shall be developed for the child and submitted to the court within 30 days of the initial order of the court". K.S.A. 38-2263 (d)(1) further states that "the permanency plan shall include a plan for reintegration of the child's parent or parents". No reintegration plan was presented until Nov. 18, 2009.

Violation: K.S.A 38-2250 states that "The petitioner must prove by clear and convincing evidence that the child is a child in need of care". No evidence, against me, has ever been presented.

My child IS and has been suffering mental and emotional abuse, at the hands of the state, as outlined under K.S.A 38-2202 (k) & (x).

Mary DuClos

3406 Treesmill Circle

Manhattan, Ks.,66503

785-532-9097 home; 785-477-3387 cell

Because of the unlicensed "therapist", my son got totally out of control, attacked me, was deemed child in need of care...along with his little brother and was placed in foster care, then reintegrated with his father's home. I had already reported that my son would not be parented by his father. His father had taken me to court four times to get custody, was trying to push through a fake bankruptcy, there were about 20 plus police reports filed at the father's residence in 2 ½ years. My son went from a 3.4 GPA and missing 2 days of school per year to a 0.60 GPA and never being in school. But this was not a "red flag" for CPS, the GAL's, the attorneys, the social workers or even the judges. My son fathered a baby before the courts signed off on the case and was a daddy at 17. I outlined some of my issues with that family in my communication. The situation is BAD! I keep my granddaughter and her baby sister 20 hrs. per day, 4 days a week and work as a registered nurse the other 3 days. I have lived with their mess for 4 years and I will keep fighting until all the changes I feel CPS need to make are made!

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Karrie Jeanneret  
Eureka, KS 67045  
620-583-5446

My name is Karrie Jeanneret and my husband is Patrick Jeanneret; we live in Eureka, Ks in Greenwood County. On February 26th 2008 3 of my 4 children were removed from my home on the suspicion of sexual abuse. I have two boys, Anthony (Alan) 15 and Josh 11, and two girls, Ruthie 7 and Jovana (Jo) 5.

When this began they accused the boys of molesting their sisters and removed the three youngest instead of just the two boys. They punished the girls for being victims by removing them and keeping them from seeing us.

SRS did not contact me about the accusation until they had gone to the school and questioned my kids. My youngest son admitted to touching his sisters inappropriately, but they could not get my oldest to admit to the accusations. Our case was given to CPS PRIVATE CONTRACTOR, The Farm Inc. We were given a court appointed lawyer because we could not afford one. He did not seem to be fighting for us. He never objected when we thought he should have and he said not to fight them, be quiet and do as they ask. We did everything on their case plan but it was not good enough so they added more on the second one. We kicked and screamed about it but did it anyway because we were told that when we finished the case plan that our children could come home.

We were granted supervised visitations and phone calls in the beginning involving all the children. Then in April they decided that since Alan was one of the accused that he was no longer allowed at the visitations. After that visitation started to slack because of transportation for Josh or the case manager was ill, which was a lot, or she was working on another case and no one else was available for the visits. In May they said that since Josh was one of the accused we could no longer have a group visit. We then had to have two separate visitations, one with the girls and one with Josh. Towards the end of June they removed all contact to the girls because my husband asked Ruthie, my oldest daughter, if her brother had sex with her. A month later we asked if we could have our visitations back and that we were very sorry for what happened. We were told that they would look into it. A week later we were told "not only no but Hell no!" Also in July they removed all contact with Josh because "it was not fair to the girls if we still had visitations with Josh." We were told that since things were not going the way they wanted it to and the children were not talking to their therapists they believed it better to stop all visitations and to start a new case plan. We did not get to see the girls for 4 months after that and 3 months for Josh. During that time we had finished our second case plan and asked for visitations again. They set up family therapy with Alan's therapist, Jennifer, here in Eureka on Aug 10th. Jennifer said that our first visit went very well. The kids interacted with each other and with us. We sat at a table and talked and drew pictures while the CPS PRIVATE CONTRACTOR case manager and the therapist sat against a wall and observed. The next day we were told that having Jennifer as our family therapist was bias and that we need to have one of their therapists at CPS PRIVATE CONTRACTOR and that family therapy would not continue until they had one available. Also that Alan and Josh could not be included in family therapy just yet. They finally set it up for the end of Nov. with just the girls for about a month then it was just Josh for about a month. In Jan. we had family therapy with Josh and the girls. Josh apologized to the girls and us for what he had done and that he felt very terrible for what had happened. The girls accepted his apology and went on to playing and

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coloring pictures with him. During this whole time we kept asking when our kids could come home or when could Alan be involved. The answer was always the same, "your children are damaged goods and they will never be the same. They are not ready to go home and Alan is not allowed to be around them until he or we admit that he molested them."

The whole year and a half Alan was not included in the case planning except to go to therapy, and he has not been charged with any crime. Yet we were told the kids could not come home because our house was not safe and because Alan still lived there. We suggested that Alan would go live with my father but that was not good enough. We suggested several family members that were willing to take any of the children but it was never considered. We asked why and were never given a reason.

In Feb. of this year the Judge skipped the permanency hearing and went straight for parental rights. The D.A. said that he did not have any grounds to go for parental rights and the judge said yes you do and this is what you are going to do. We went to court in March but needed more time for witnesses so it was continued in April. The state prosecutor asked for written closing arguments and was granted. We have now been waiting since May 20th for a decision from the Judge. In the meantime we continued to go to group therapy with Josh at Prairieview in Newton, Ks., which ended Aug. 4th with a graduation for Josh completing the session. Josh was diagnosed with a sexual behavior problem and with the right treatment would go on to live a normal life. He has finished his treatment as of Aug. 4th 2009. They had suggested this treatment for him back on our first case planning but didn't enter him into treatment until this summer. We have not seen our girls since January. We have asked repeatedly to see them and the tell us that until the judge makes a decision it would not be good for the girls to see us just in case he decides to remove our parental rights.

My son Josh was referred to as a monster, a pedophile, and a future rapist by the CPS PRIVATE CONTRACTOR caseworkers, his therapist, which was a CPS PRIVATE CONTRACTOR employee, and CASA. After going to Prairie View we were informed that this was just not true. Josh was never a high threat, just a confused little boy.

My husband found out recently from his therapist that she was allowed 15min to view the CPS PRIVATE CONTRACTOR reports. She confronted him on one of the reports saying that there had been someone at the house for an inspection before they took the kids, because he had been telling her that no one had inspected our house. She told him that the worker showed up while Alan was asleep on the couch and that Josh and the girls were out in the barn having sex. My husband told her there are three things wrong with that story. First how does that person's leg feel? She asked why. He told her we have six dogs and two of them are very protective of the kids. If someone had showed up while we were not home they would have been bitten. Second if you saw the kids having sex wouldn't you have taken them right then? She said yes. And third there was no calling card or phone call stating that there was an inspection, which they have to inform you of so they are falsifying records. Of course this was not added, at least to our knowledge, until after our last court hearing. I say that because it was never brought up in court.

To summarize:

1. SRS never came to my house.

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2. CPS PRIVATE CONTRACTOR or SRS never inspected my house to see if it was safe.
3. CPS PRIVATE CONTRACTOR banished Alan even though there is no proof or charges of molestation.
4. CPS PRIVATE CONTRACTOR told us after we finished our case plan our children would come home but never did.
5. They took away visitations repeatedly for long periods of time and we were punished for the time in court even though we had done everything.
6. The judge, not the D.A. went for parental rights.
7. There was no permanency hearing.
8. A rape kit on the girls was not done until a month later.
9. We were not present or even knew that they questioned the kids until they told us later that day.
10. They keep us from our children saying it is better for them not to see us.
11. They treat us like we were the ones that abused them.
12. CPS PRIVATE CONTRACTOR would tell us that it was up to the therapist to allow visitations, then the therapist would say it was up to CPS PRIVATE CONTRACTOR. We were constantly getting the run-around.
13. The Judge was ruling on her opinion of us, which she already made before she met us. We were treated like dirt and she acted like we should have already known what to do, like we had been through this before.
14. We were told the night they took my kids that at court the next day we would be bringing them home.
15. CPS PRIVATE CONTRACTOR constantly degraded my children verbally.
16. They made Ruthie go to second therapist because she was too bossy.
17. CPS PRIVATE CONTRACTOR did not keep their records up to date. They lost information that we had to supply twice, like medical records, class certifications etc.
18. CPS PRIVATE CONTRACTOR would not give us information on the children.
19. They did not have regular meetings with us. Our last one was in May and we are suppose to have one every month to see how things are going with us and the kids.
20. CASA had made an opinion of us even though he never met us. He was getting information about us from the woman who reported the molestation even though she was not to have any more bearing on the case.

21. CPS PRIVATE CONTRACTOR didn't up date their files on what we had done until after our court hearing to move to removal of parental rights.

22. We have had 4 case plans with no reintegrating.

23. The D.A. had 3 of my children removed from our home instead of just the supposed perpetrators.

24. Our CPS PRIVATE CONTRACTOR case manager has informed Josh to be prepared for a life in and out of foster care because he is not adoptable and not able to go home even though we are still waiting on the judges decision.

25. The case managers tell us they will arrange a visitation then tell us a week or two later they decided not to.

26. When we complained about the way we were treated by our first case manager they promoted her.

27. CPS PRIVATE CONTRACTOR in EI Dorado moved and we were not informed and they refuse to return our lawyers and ours phone calls.

28. During family therapy the girls said that Josh had touched them but said Alan never touched them and wasn't even there at the time of the incidents.

29. None of the therapist or caseworkers talks to each other, they just read each other's notes or reports. And no one talks or asks for reports from Alan's therapist even though it is on the case plan.

30. The judge was ruling on the CASA workers requests and opinions. He was the one that wanted us tested and have our parental rights removed. He said that there was something wrong with us for thinking that our children were normal.

All these problems and we are to blame for it. I have been praying for a year and a half for someone to notice what is going on here but unless you are involved in it you don't see the problem. I know that there are children out there being severely abused and needs a new home but to keep children from their families for profit and not protection is just wrong.

Just about everything numbered here is in our court reports and court journals since most of it was discussed at our last court hearing. We also tape recorded all but one of our case plannings.

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TO WHOM IT MAY CONCERN:

During the years of 2006 to July, 2009, I have dealt with DCCA, CPS/SRS and the private contractors. I had a teenage daughter who was going down the wrong road and I needed help getting her back on track.

CPS/SRS caseworker had stated if I place my daughter in their case. I would not lose parental rights and would have a say in meeting my daughter's needs to get her back on the right path of life. CPS/SRS/ would take my daughter before a juvenile judge and they would place my daughter in a secure facility temporarily to get my daughter's attention. This is not how it happened.

When my current husband and I went to court to start this process above, we were rushed through the court process with vague responses, treated very impersonally and as if our opinions regarding our daughter did not matter and were never taken into consideration. Even though we were never deemed to be unfit or that our child was in imminent danger, we were treated as though we were bad parents.

The guardian ad litem never once contacted our family to investigate anything. CPS/SRS private contractor caseworker, at the time, took things I said and twisted them to sound awful in order to influence the judge that I was a bad mother.

The private contractor would not take my concerns into consideration in regards to my daughter's schooling and her medical attention.

My daughter was placed on two anti psychotic medications that she did not need to be on. My daughter was diagnosed with ADD and mild depression, neither requiring such a harsh medication.

A long story short, after grueling two years, none of the tasks that had been discussed in the beginning to help my daughter, the DA's office issues a new statement that none of the allegations in the original petition were true.

Annette Jones

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Dear Sirs:

I am writing for Patricia Violetti, due to the fact that youthville changes their mind everyday and keeps Patty so confused about what they want her to do. They have her come in all day long to try to force her to give up her daughters. One day they were so *intimidating* that she was really crying, and her daughters were crying too because they felt really sorry for what their mother was going thru. This routine seemed to go on for months. She was not allowed to talk to her daughters on the phone for almost 2 years, even tho they were under court orders. Patty has proof that they violated court orders all the time, and overloaded her w/court orders. It seemed to belb to 18 months, after being able to talk to them on the phone, that she was finally able to see them. When she does get to see them, youthville stands over them, and even follows them into the bathroom. They have forced her to borrow extra money to get an apartment, and then when she was about to sign the papers, they told her she had to get a house, and then took the \$1500<sup>00</sup>. In April 09 they told her to bring in \$600<sup>00</sup> so they would know that she could support the girls, and then they took that money too. That money is my money that I loaned her over the \$1000<sup>00</sup> a month that I pay her. All money she has earned or got back in tax refunds, they have confiscated and also have taken all money the girls have, even their piggy bank money for their own use. Breanna was sexually touched in school and <sup>that</sup> sent Patty a letter saying that "it was kids play"? Anecia

was in the school gym, and because of defective equipment, she was hit in the mouth w/ discus. They said that this was "just an accident". It broke 2 teeth, and Patty asked her case worker to take her to her dentist in Wichita, and her case worker said "NO" and took her to theirs and ~~ground~~<sup>ground</sup> down her teeth. This is a 15yr old girl with her new permanent teeth. Patty and her counselors (w/ and youthville) are on her side and will testify for her and the girls. Patty and her counselor have plenty of paperwork evidence to back everything up with. This is only a very small part of what has happened, and it needs to get out. Please help Patty, Anecia, Breanna and Charity and all parents and children, that are locked up in this very abusive and damaging system.

Thank You  
William McKinney  
William McKinney

409 N. Attleboro  
Wichita, KS 67205  
316-254-3332

speaking for

Patricia T. Violetti  
Anecia W. Violetti  
Breanna M. Violetti  
Charity N. Violetti



Carlene Eye  
8701 E. 63<sup>rd</sup> St. South  
Derby, KS 67037

August 9, 2009

To whom it may concern:

This letter concerns our grandchildren's devastating experience with child protection services.

In January 2005 our 11 month old grandson fell from a chair in the waiting room of a chiropractor's office. The receptionist witnessed the fall. A CAT scan at a local hospital revealed a skull fracture.

At a social worker's direction, the hospital did six days of painful, invasive, and dangerous testing on our grandson. The parents and the family medical doctor who admitted our grandson for 24 hours of observation were unable to stop the medical testing. All the testing was to gather evidence of child abuse; none of the testing was for the benefit of the child. No evidence of child abuse was found.

The SRS social worker knowingly and willfully filed a false allegation of physical neglect against my husband and me as an excuse to take the grandchildren into custody. The same social worker then declared the allegation unsubstantiated. We were never notified of the allegation until the unsubstantiated notice arrived in the mail.

The Wichita Police Dept. detective and social worker refused to contact the witness who saw our grandchild fall. The social worker and detective showed up at our home and demanded to take our grandson and his sister into 'police protective custody'. When I asked if they had a warrant, the detective threatened to physically harm the children and then forced his way into our home.

While the grandchildren were in police protective custody, the social worker refused to allow our daughter to deliver breast milk to her infant son. The social worker's affidavit contained numerous and blatant factual errors which were never questioned or challenged.

Minutes before the first court hearing, six days after the children were taken, the so called "defense" attorney told our daughter and son-in-law that if they did not plead "no contest" to the child in need of care petition they would never see their children again.

There was not and never has been an allegation of abuse or neglect against either our daughter or son-in-law. Our daughter and son-in-law do not use alcohol or drugs. They owned their own townhouse. Our grandchildren were fed and well cared for by parents who were married to each other. Our son-in-law was employed and our daughter was a full time mother.

Immediately after the first court hearing, SRS and Youthville workers demanded a list of all extended family members: nieces, siblings, nephews, other grandchildren, etc. After obtaining that list of names, the Youthville worker said "we won't have to investigate these family members if you're not a trouble family; you won't be a trouble family, will you?"

The SRS social worker discussed our case in public. When we started to refuse to sign the permanency plan because we disagreed with it, the SRS social worker told us "your signature doesn't mean you agree with anything, it just means you were here; and if you don't sign it we'll sign it for you so you might as well sign it."

The guardian ad litem failed to conduct an independent investigation of the facts of the case in violation of Kansas Child In Need of Care code and Administration Order 100.

The paternal grandmother was never notified of a single court hearing.

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We were fortunate that after the first hearing, my husband and I were allowed to keep the grandchildren in kinship care. When we brought them home from the six days of foster care our precious 2 year old granddaughter had six or eight shallow, parallel cuts from vagina to hipbone. Our 11 month old grandson had blood oozing from his penis and scrotum; he lost 10% of his body weight during those six days. Prior to being in foster care, neither of these children ever had a diaper rash in their entire lives.

Multiple social workers who are mandated reporters were aware of these injuries and documented them in the permanency plan, but there was no report filed and no investigation into who abused our grandchildren while they were in foster care.

Visitations with the children, mandatory evaluations, court hearings, etc. were scheduled during our son-in-laws working hours placing his employment at risk. Visitations were arbitrarily cancelled. While the children were in custody, their health insurance was cancelled by either SRS or Youthville. As grandparents and care givers we paid for the grandchildren's prescriptions out of our own pocket.

The judge refused to allow a family physician who has treated 4 generations of our family to testify. The judge also refused to allow documents (a pediatric neurologist's report and a forensic anthropologist's report) to be submitted in defense of the family. The judge threatened our daughter that if she didn't confess to abusing her son, federal law would require him to place the child for adoption. The judge stated he had to give more weight to the state's medical witness than the defense medical witness because he knew her personally and professionally for many years. The judge refused to release transcripts of the hearings to the parents.

The defense attorney sent us an email describing his ex parte conversations with the judge. The defense attorney refused to send us a bill or give any accounting of his time or services, however each time we left court he would say he needed another \$1,000 if we wanted to get the children home.

A reintegration plan was not filed in a timely manner as required by state law and by court order.

It took 11 months before the judge returned custody of our grandchildren to their parents. During that time our family spent approximately \$30,000 to pay for child support, mandated classes, evaluations, attorney fees, etc. Although we would gladly give all our money and our lives to save our grandchildren, we needed that \$30,000 for our retirement.

After the case was closed and our grandchildren were safe with their parents, we filed complaints against all the officials in our case who violated the law. All our complaints were ignored. We also wrote the state attorney general, the governor, the US Department of Health & Human Services, state legislators, etc. All officials claimed they had no authority over the child protection system. We have documentation to prove all the statements I have made in this letter. I have yet to find an official who will bother to read it.

My grandchildren were fortunate. Their physical injuries were minor and they were eventually returned to their loving parents. The emotional trauma remains.

It's been four years since the children were in child protection services. Recently our granddaughter, who is now six, asked 'will the bad people find me? Will the bad people take me away again?' Our grandson is now five and remains terrified of vacuum cleaners, loud noises, and buttons. We do not know why, we only know it happened during the six days he was in foster care.

Children in Kansas are being taken illegally by child protection services, parental rights are trampled, constitutional rights of children and parents are ignored, children are terrorized; and as parents and grandparents we are powerless to protect our children.

Carlene Eye  
A Grandmother

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For Representative S. Mike Kiegerl

Mike,

The following is a summary of some of my contacts with the Child in Need of Care programs in the state of Kansas.

1. Four years ago I began representing grandparents of a child who was placed in foster care due to sexual abuse by her cousins in Miami County.
2. SRS did not want this child to ever go home to her father.
3. The father did everything that was asked of him through the reintegration program.
4. The child was placed in 7 different placements in the 22 months that she was in foster care.
  - a. The first placement was temporary to find more permanent care.
  - b. The second placement appeared to be under the impression that they would be able to adopt the child. When it became apparent that reintegration was the goal they asked that the child be removed.
  - c. The third placement had the child for about four weeks when she decided she was too much work.
  - d. The fourth placement apparently abused the child. We understand that they lost their foster license. The details of what happened were not provided to my client or the child's father but she is now saying that she was repeatedly placed in a closet.
  - e. The fifth placement found her too difficult to work with.
  - f. The sixth placement was temporary as a family member was able to obtain a foster license and take the child.
  - g. The seventh placement was with a family member.
5. During the period that the child was in foster care, a worker with KVC was assigned that had received her bachelor's degree in Social work one month before her assignment. She quit when she realized that KVC was not doing what was in the best interest of the children.

I also represented a foster parent that was turned in by the case manager for abusing a child. I appealed the substantiation finding to the Hearing Officer and won due to the fact that it was documented that the child had previous issues with rocking which caused the bruising. In the findings the Hearing Officer made it clear that the children should not have been removed from their foster parent. In that case, the foster parents were in the process of adopting a 13month old

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black baby who had been in their care for 10 months. This was stopped by the removal. The baby was ultimately placed with a black family.

I represent a foster family who had been given initial approval from DECCA to adopt the child who had been in their care for 14 months. Once KVC took over the contract, they worked to remove the child from the care of the DECCA family and place him with a KVC family. I believe this was to avoid DECCA from receiving the adoption monies. Following the filing of a Motion to Intervene, the KVC worker lied to the Court and said that they foster family was being investigated for physical abuse. During a meeting with the representative of KDHE, it was determined that SRS had screened out the case and there were not allegations of physical abuse, only allegations of a rule violation. This meeting was tape recorded at my insistence for the protection of my clients. At the subsequent hearing, the agency workers continued to state that there were allegations of physical abuse.

I am involved in a case out of Wichita where the maternal grandparent was awarded a permanent guardianship because the natural parent does not get along well with others. This was despite the fact that the supervising therapist and the parent's therapist indicated that things were improving and that reintegration was an option. The parent had been working toward reintegration for seven months when his contact was terminated by the permanent guardianship. I firmly believe that the State should not step in unless there is evidence of abuse of the minor child which is not present in this case.

I have another case pending in Johnson County Kansas where the children were removed from the home due to the parents not having stable housing. The family was residing with friends when SRS was notified by an individual where their daughter was staying that they did not have their own home. All four children were removed from their parents. One of the allegations was that the children were abandoned because the school did not have a working telephone number to reach them at. There is no law that requires us to have a telephone at all. One daughter was placed in foster care in Wyandotte county where she was ultimately charged with shop lifting. The older daughter came home smoking cigarettes and refusing to go to school. This family is still involved in the system even though they have had stable housing since April and have complied with everything that has been asked.

In each of the cases mentioned above, I find overreaching by the agencies and the Courts. In the state of Kansas, we need to think of family as being important and consider the best interest of the child no matter how much money we can make by delay.

Let me know if you need me to come tomorrow.

Jean Ann Uvodich

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To: THE JOINT COMMITTEE ON CHILDREN'S ISSUES

Room 545 N  
Kansas State House

Introduction:

My name is Erna K. Loomis. I am an attorney specializing in the area of child law and advocacy primarily in Johnson County, Kansas. I've practiced as a guardian ad litem (GAL) for 17 years. I also represent parents, grandparents, foster families and other interested parties in child welfare cases (Child in Need of Care or CINC). I appreciate the opportunity to express my opinions and experiences to the Committee. My perspective comes from the legal viewpoint of a practicing kid lawyer. I am thankful for your consideration of issues affecting our children.

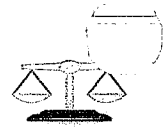
The law:

The Child In Need of Care Code (K.S.A. 38), as recently revised by the legislature, is a sound body of statutes. It works well in almost all instances. Supported by case law, it is one of the best written bodies of law in the country as pertains to child welfare. In my respectful opinion, a change authorizing judicial determination of placement would improve the law.

- a) Placement: The law currently provides that upon a finding that an emergency exists or reasonable efforts have been made to prevent removal of a child from home, a child can be placed in SRS custody with the authority for placement. SRS stands in loco parentis (in the place of the parents) and takes custody of the child. SRS therefore makes many decisions for the child, including and most importantly, where the child lives. The Court can review placement issues, but can only order a specific placement not be made. The Court cannot order that a child live with a specific person or family.

The Court should be given the authority to review and order placement as the Court finds represents the best interests of the child. Without this recourse, only SRS can make these decisions. Currently, the only option a party can take is to ask that SRS custody be removed. This does not always represent a child's best interests either, leaving a catch 22.

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The argument generally made against this thinking is that the Court will be asked to “become a social worker” or micro-manage cases. The reality is that the Court is aware of the social file, receives reports from the agency, perhaps CASA, therapy, etc. and ultimately makes orders regarding the child. The Court should be able to make the final determination as to what placement represents a child’s best interests if the parties do not agree.

Guardian ad litem reflections

A guardian ad litem is charged under Supreme Court Rule 100 and K.S.A. to represent the child and to conduct an independent investigation as to what represents the child’s best interests. GAL’s often hear complaints that the agencies act without permission or input, do not place with family, are allowed to submit sometimes subjective court reports parents and family of the child are not allowed to see, act in arbitrary ways, do not return children when parents have completed reintegration plans, and don’t provide enough meaningful contact between children and parents in their visitation policies. In the course of investigating on behalf of children, I’ve found cases where this is true. It’s important for GAL’s to stay on top of case managers, investigate carefully and advocate strongly to make certain children’s best interests are served.

In my experience, when contractors have performed poorly in cases, it’s due to a few main factors:

- a) Inexperience of workers, changing workers
- b) Timeliness of services, dropping the ball, resources
- c) Placement issues-attachment of children to foster parents who want to adopt
- d) Policies that don’t serve families (visitation, grandparent visitation, resources)

Case examples:

- 1) Child taken into custody as an infant. Mother completed reintegration plan in 3 months. SRS would not return child citing “concerns”, but could not articulate what they were or assign tasks to remedy issues. Mother objected to baby being in day care in infancy, and that breast-feeding was interrupted. Mother was stay at home mother with 2 other children at home not in question. Mother also objected to non-placement with relatives and in a family racially insensitive to the child. Mother was killed in car accident 23 months after child came into custody. She claimed during the entire case that

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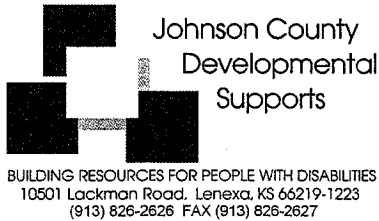
KVC was working with the foster mother to facilitate adoption. After her death, her family came forward asking for placement. They are not being considered at this time. Foster mother is moving to adopt the child.

- 2) 6 siblings, all under 5, taken into custody due to severe abuse and neglect. All parents relinquished their rights or had rights terminated. Paternal grandparents were involved early in the case and asked for placement. They were denied as their house was not large enough. They moved to larger housing, and also began the process to become foster parents. KVC would not place with them citing children had bonded to foster parents. The State granted grandparents a foster care license. The grandparents were not chosen to adopt the children, but the foster family was. Grandparents argue they have been authorized to foster other children in custody, but not their own family. Children have been in care for 24 months.

Respectfully submitted:

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Erna K. Loomis, #15826  
P.O. Box 847  
Olathe, KS 66051-0847  
913-782-6207



December 1, 2009

To: Joint Committee on Children's Issues

From: Maury L. Thompson, Executive Director  
Johnson County Developmental Supports

RE: Social and Rehabilitation Services (SRS) award of Extraordinary Funding (EF)

Chairman Kiegerl and members of the Committee, I appear before you today to provide information on an award of EF by the Department of SRS in November of 2008 to one Community Service Provider - an award made in violation of State policy and contract.

The Definition of EF:

*Extraordinary Funding is funding above the established reimbursement rates for Community Service Providers (CSP) who demonstrate that their costs to support an individual with a developmental disability (DD) are significantly in excess of the established reimbursement rate for that individual. These costs would be due to the medical and/or behavioral needs of the individual being supported.*

The EF process had been successfully employed, until November 2008, for CSPs in need of assistance to better help them meet service obligations to persons with DD who have extraordinarily high cost services. Everyone has agreed that the current rate structure is inadequate to reimburse CSPs for services they perform. However rate inadequacy extends throughout the population of persons served by the community-based DD system, a fact not unique to any single CSP.

The EF process was never intended to overcome the inadequacy of the overall rates, or to serve as an account for individual CSPs to utilize to meet their overall organizational need, **and not to be disbursed at the discretion of the State.** It was intended merely as a way to help a little where the help was most clearly needed.

Broadly accepted community-wide efforts to adhere to standardized rules (which were developed in partnership with SRS and stakeholders) had resulted in a community-managed EF process that had been consistently employed as directed and intended by the State's policy.

The Origins of EF:

Among the challenges arising from an inadequate rate structure throughout the community DD service network, the most problematic challenge is how to pay for extraordinary service needs in each of the five diagnostic tiers (grouped by severity of disability).

These persons have either significant health needs requiring inordinate staff time and skills, or significant behavioral challenges that require inordinately high staffing patterns and staff technical expertise. The so-called disability profile of such persons may be in any of the five tiers, but it is

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their medical or behavioral need that drives the costs of their services above the normal range within the tier. Increased assistance with the activities of daily living is not a qualifying factor for the determination of EF.

Many individuals need enhanced service that help them to succeed in community services and still be served at less cost than if they were placed into an institutional setting.

To ameliorate the impact on any provider facing such extraordinary circumstances, the State, the CDDOs and community stakeholders, including CSPs agreed to set aside a portion of the Home and Community-Based Services/DD (HCBS/DD) appropriation to assist providers serving the highest need individuals. This is not a localized matter; all CDDO areas of the State have individuals whose services may be enhanced because of the availability of the funds.

Scarce funding necessitated then, as now, that only a small amount could be made available, and that only persons with extraordinarily high-cost needs would be funded at these higher rates. Additionally, all parties agreed upon strict standards to assure that applicant CSPs were truly facing extraordinary costs, and that such costs were specific to each individual for whom such rates were being sought.

It is commonly understood that the process by which financial challenges must be documented is very strict, almost to the point of being burdensome. Again, this is a necessity attributable to the small amount of funds available for EF. Irrespective of such strict standards, many organizations have been able to provide satisfactory documentation. However, in this award, and as verified by an independent auditor, no such documentation existed.

Assignment of the EF Process to the Community:

Eligibility determination, by statute is a CDDO role. The assignment is not autonomous from State authority. All eligibility policies are the States'. The CDDO's role is in implementation of such policies. In such a role, the State retains final decision-making authority.

It was with that background of the evolution of State and local roles that the decision was made to assign the screening of EF applications to the CDDOs, using State policy, with State due process as the safeguard against any potential errors or mistaken judgments.

Conclusion:

One of the primary reasons why the EF process had worked well, with so little controversy, is that the overwhelming majority of CSPs recognize that very limited resources are available. They are careful to seek EF only in extraordinary cases, and provide documentation to support their request. Most CSPs do not seek EF merely as an effort to strengthen their income.

**However, this dispute is not about the decision of a CSP to circumvent the rules, but about the Secretary of SRS agreeing to deviate from the standard, overriding contract and policy.**

This dispute has raised many questions, including, 1.) During these extremely trying financial times for the State of Kansas, how was the Secretary able to provide these additional funds? 2.) How are we able to justify increasing revenues to one provider when thousands are not receiving services they desperately need? (Not a single additional person received services as a result of this payment.), and 3.) Was the use of Medicaid funds appropriate without documentation of eligibility?

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