

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 1:30 p.m. on March 4, 2010, in Room 346-S of the Capitol.

All members were present except:

Representative Mike Peterson- excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Jason Long, Office of the Revisor of Statutes  
Julian Efird, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Martha Dorsey, Kansas Legislative Research Department  
Nikki Feuerborn, Committee Assistant

Conferees appearing before the Committee:

Martha Dorsey, Legislative Research ([Attachment 1](#))  
Sadie Carpenter, grandparent ([Attachment 2](#))  
Marilyn Dilley, Former foster parent ([Attachment 3](#))  
Linda Thaw, grandparent ([Attachment 4](#))  
Julie Thatcher, parent Don Jordan, Secretary of SRS ([Attachment 5](#))  
Erin Stuckey, KVC ([Attachment 6](#))  
Tom Buell, Region V Director, DCCCA ([Attachment 7](#))  
Father Edward Fellhauer, President and CEO, Saint Francis Community Services ([Attachment 8](#))

Written only:

Kathy Winters, Kansas Abuse Freedom United ([Attachment 9](#))  
Annette Sneary, parent ([Attachment 10](#))  
Frankie Summers, grandparent ([Attachment 11](#))  
Cecelia Arnold, Parent ([Attachment 12](#))

Others attending:

See attached list

Martha Dorsey, Kansas Legislative Research, reviewed the report to the 2010 Kansas Legislature of the activities of the interim Joint Committee on Children's Issues ([Attachment 1](#)).

Sadie Carpenter shared her experiences with SRS regarding their granddaughter who they had hoped to adopt ([Attachment 2](#)). They had been approved for adoption in 2006 and were quite surprised to be informed in August of that year that the child had been awarded to the foster mother who is single, in her late sixties, no visible means of support other than caring for foster children, smokes and is on oxygen, has diabetes and a bad heart, a weight problem, poor vision and cannot help the child with first grade homework. They were told the child would be in the system until she was 18 years old. Mrs. Carpenter stated that in her opinion, children were being used as a money making business.

Marilyn Dilley, a former foster parent, presented testimony on their unsuccessful attempt to adopt their foster child ([Attachment 3](#)). She cited examples of untruthfulness by caseworkers, problems with KVC when their contractor lost the bid, and the painful separation from the little boy they had raised. Even though the Dilley's had been successful foster parents to 15 children, KVC has denied them as foster parents. After being removed from his home, the once happy and thriving four-year old foster child has been receiving treatment for mental illness.

Linda Thaw of Gardner told of her financial plight when she shared her home with four grandchildren when the parents were unable to care for them ([Attachment 4](#)). Through a series of misfortunes and tremendous expense, she is losing her home, had to give up the care of the children who were ultimately brought before a judge who separated them, giving two to the father and two to the mother. Ms. Thaw stated that

## CONTINUATION SHEET

Minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 4, 2010, in Room 346-S of the Capitol.

grandparents as caregivers should receive the same amount of money as foster care parents do in the system.

Julie Thatcher testified that her five year old son was removed from her cluttered home and put into foster care. She and her husband have met all criteria as set by their caseworker including family preservation and have totally cooperated with the court. The child's time is split between his home and KVC foster care contractors. They have paid child support during the time the child has been away from his home. Their home has continued to be monitored for cleanliness. In January the child spent four days a week at home and three days at KVC. Then it was changed to spending 6 ½ days a week at his home and it has been reduced to five days now for no apparent reason.

Don Jordan, Secretary of Social and Rehabilitation Services, reviewed the intake process for removing children from their homes and stressed that individual caseworkers do not make the decisions (Attachment 5). Contractors have little control over when a child is returned to the home as it is up to the courts.

The Committee questioned the use of "proper judgment" in adoption cases and asked if different attitudes and judgments were made when there was a change of vendors. It was pointed out that the contractor receives payment for the child even if it is with the grandparents who were not receiving any financial support. Secretary Jordan explained that contractors are chosen by their value system and most have been in the system for a long time. They are committed to doing what is best for the children. When questioned regarding the Carpenter and Dilley cases, Secretary Jordan said there were "questions being asked" in those cases.

Secretary Jordan reviewed the development of the privatization system and presented statistics showing its success.

Erin Stucky, President of KVC Behavioral Health Care-Kansas, reported that the Kansas child welfare system has been transformed from one in which children grew up in foster care to one in which children reach permanency in a timely manner and remain safe (Attachment 6).

Tom Buell, Region 5 Director of Family Preservation Services for DCCCA, Inc., reviewed the need and process of family preservation and its successes (Attachment 7).

Father Edward Fellhauer, President and CEO of Saint Francis Community Services, said most of their emphasis is from Salina west (Attachment 8). He explained the need for multiple agencies to partner and performance improvement is a goal in helping these families in distress. He recommended to the Committee that legislators periodically be given information from the provider community about the major problems or service gaps that have been identified and that careful consideration be given to systemic changes.

Written testimony was received as listed:

Kathy Winters, Kansas Abuse Freedom United (Attachment 9)

Annette Sneary, parent (Attachment 10)

Frankie Summers, grandparent (Attachment 11)

Cecelia Arnold, parent (Attachment 12)

The next meeting is scheduled for March 8, 2010.

The meeting was adjourned at 3:30 p.m.

FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST  
 DATE: March 4, 2010

NAME	REPRESENTING
Fr Ed Gredunig	Saint Francis Community Services
Mother Sheila Frellbauer	Saint Francis Community Services
Melissa Ness	Saint Francis Community Services
Julie Hatcher	MAH Foster Care child
John Nanni	MAH Foster Care child
Mark Hillweg	MAH Foster Care child
Shannon Bell	LGR
David Rauer	Kearney & Assoc
JOYCE GROVER	KCSOV
Nancy Sargent	League Women Voters
Aeta Morris	League of Women Voters
Steve Solomon	TFI
Lina Marie Hummel	KVC Behavioral Healthcare
Erin Stucky	KVC Behavioral Healthcare
Dusty Buce	Yocethrice
Ping Pham	Rep. Ruiz's intern
Sno Frankie Summer	Families and Parents Concerned
Melodine Dambrowski	KS - Family Court Political Alliance

Katy Belot SRS  
 Don Jordan SRS  
 Tanya Keys SRS  
 Sue McKenna SRS  
 Earl Glyn Franklin Center  
 Susana Clark Rep Garcia

FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: March 4, 2010

NAME	REPRESENTING
Donald Porter	Parents and Childrens Justice
Phyllis Porter	Parents and Childrens Justice
Sadie Carpenter	
Fred Carpenter	
Kathy Whites	
Maureen Willey	
TK Shively	KS LEGAL SERVICES
Trudy Racine	KCSL
Janis Rose	KCSL
Debi Hatfield	KDHE
Bruce Linko	Children's Alliance
Dawn Spencer	OJA
Mark Gleason	OJA, Judicial Branch
Jennifer Gregory	Rep. Mike Krogan
Linda Shaver	Myself
KE Oelt	Guest
Robin Clements	DOCA ; Youthville
Ganette Owens	DOCA

FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST  
DATE: \_\_\_\_\_

NAME	REPRESENTING
Colleen Pederson	DCCCA
Tom Buell	DCCA

# DRAFT

JOINT COMMITTEES

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## **Report of the Joint Committee on Children's Issues to the 2010 Kansas Legislature**

**CHAIRPERSON:** Representative Mike Kiegerl

**VICE-CHAIRPERSON:** Senator Julia Lynn

**OTHER MEMBERS:** Senators David Haley, Oletha Faust-Goudeau, Roger Reitz, and Susan Wagle; and Representatives Marti Crow, Peter DeGraaf, Bill Otto, and Valdenia Winn

### **STUDY TOPIC**

The Committee is directed statutorily to study children's issues the Committee deems necessary.

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*December 2009*

House Fed & State Affairs

Date: 3-4-2010

Attachment 1

# Joint Committee on Children's Issues

## REPORT

### CONCLUSIONS AND RECOMMENDATIONS:

The Committee acknowledges receipt of the response from the Department of Social and Rehabilitation Services (SRS) regarding the 23 specific cases for which testimony was received from the parents or grandparents of children who had been removed from their homes. The SRS response took a significant amount of work, and the agency's efforts were appreciated. After considering the response, however, several concerns remain. The Committee also has concerns regarding several contracting issues. As a result, the Committee makes the following conclusions and recommendations.

- The Committee requests that the Legislative Post Audit Committee direct the Legislative Division of Post Audit to investigate the manner in which Foster Care and Family Preservation contractor bids are awarded and the effect(s) this has on the children in the system. As part of this audit, the Division of Post Audit should examine whether a financial incentive exists for a contractor to keep children in the Foster Care system and, as a result, not return the children to their homes or recommend placement in the homes of relatives. If the current system of paying contractors – *i.e.*, on the basis of a flat rate plus a monthly amount per child – is found to be adequate and without negative effects on the children, the audit should examine whether SRS should provide greater administrative control over its contracting agencies to ensure the contractors sufficiently justify their actions and recommendations regarding the children for whom they are responsible.
- SRS provided a general explanation for many of the problems discussed in the cases, *i.e.*, that SRS is not responsible for the removal of children because the courts have to order the child be taken into custody. While technically accurate, it is SRS (or its contracting agency) who recommends to the court that a child be removed. The courts generally accept the testimony of SRS and its contracting agencies over the testimony of the parents or grandparents regarding the removal of the children. The Committee therefore recommends that documentation giving specific reasons for removal be provided to the families within 72 hours when children are removed from their homes.
- The Committee believes training of caseworkers and their managers is inadequate and, as a result, errors in their judgment can be expected. The Committee recommends additional training be considered.
- The courts cannot order a child to a specific placement while in SRS custody. The court only has the ability to deny a placement, but not to order a child's placement. The Committee recommends the Legislature consider whether the courts should be given the statutory authority to order the placement of a child.

- The Committee believes grandparents and foster parents should be reimbursed at the same rate. However, an argument exists that this could provide a disincentive to parents to provide adequate care to their own children. The Committee therefore recommends giving SRS discretion to reimburse grandparents at the appropriate rate.
- It appears the present method of selecting the contractors is not done at arm's length, and terms of the contract are not negotiated in a neutral fashion. Due to negotiation regarding reimbursement in one 2005 contract, the state ended up paying \$2.9 million in excess that year. The Committee recommends the Legislature consider possible remedies.
- The investigation by Attorney General Six regarding the \$713,000 Emergency Funding (EF) payment resulted in a finding that the Secretary of SRS did not follow the established procedures but his actions did not constitute a criminal act. The Committee recommends that the Legislature review why SRS had that much in surplus money.
- The Committee recommends the Legislature consider increasing oversight and control over SRS' budget and expenditures. For example, the Legislature could review SRS' expenditures based on a three-month interval, insisting on qualitative as well as quantitative measures for SRS' expenditure decisions and resulting budget requests.
- The Committee requests that the four bills introduced by various of its members be considered by the Legislature. These bills include HB 2461 (rescinding SRS' authority contract privately for foster care and related services); HB 2511 (granting SRS the authority to reimburse grandparents sufficiently for providing care for their grandchildren); HB 2512 (granting courts additional authority regarding placement of children); and HB 2494 (adding restrictions on the courts' authority to remove children and terminate parental rights).
- The Committee recommends it be constituted so that it can introduce legislation. Committee members are introducing the four bills cited above individually.

**Proposed Legislation:** The Committee has no authority to introduce legislation.

## BACKGROUND

The Joint Committee on Children's Issues was created in 1998 as part of the legislation enacting the state children's health insurance program, known as HealthWave in Kansas. In 2008, House Sub. for SB 81 was enacted, which transferred the Committee's responsibility for overseeing the implementation and operation of the children's health insurance program to the Joint Committee on Health Policy Oversight. As

currently specified in KSA 46-3001, the Joint Committee on Children's Issues is responsible for addressing children's issues as the Committee deems necessary.

## COMMITTEE ACTIVITIES

The Committee was granted two meeting days for the 2009 Interim. It met on November 30



and December 1, 2009. A brief summary of the Committee meeting and deliberations follows.

### **Policies, Procedures and Practices Regarding Foster Care and Adoption**

The foster care system in Kansas is administered by the Department of Social and Rehabilitation Services (SRS) and delegated to regional contractors. The contracting relationship will be addressed in greater detail in the second portion of this report.

The Committee received testimony from private citizens regarding 23 specific foster care cases. The individuals who testified were parents or grandparents of children who had been placed in the foster care system. Included in the testimony were a number of claims and complaints. Following is a partial list of the allegations and complaints.

- Grandparents being denied placement of their grandchildren due to their age.
- The state making money when children are adopted by non-relatives.
- Case managers, caseworkers and other resource personnel not being licensed or trained properly.
- SRS and contractors making questionable decisions regarding the children's care and placement. For example, some adoptive parents ultimately selected and some other placement decisions were of concern to some parents or grandparents.
- Children's behavior growing worse in foster care placement.
- Children being abused during foster care placement.
- Children being removed from parents when

parents have not been convicted of a felony.

SRS officials were unable to respond during the Committee meeting regarding the 23 specific cases. The primary reason was that SRS and its regional contractors are required statutorily (KSA 38-2209) to maintain the confidentiality of each case. Because of the agency's confidentiality restriction, the Committee Chairperson requested that SRS review each case in detail and provide a detailed written response to the complaints expressed in the testimony regarding each case. Pursuant to KSA 38-2212, which provides an exception for disclosing such information to the Joint Committee on Children's Issues in executive session, the agency did provide a detailed response to each of the cases.

The Committee also heard from two guardians *ad litem* (GAL - an attorney charged by KSA 38-2205 to represent the child and to conduct an independent investigation as to what represents the child's best interests). The GALs expressed a number of concerns and made some suggestions. Among the concerns and suggestions were the following (some excerpted verbatim from their testimony):

- "GALs often hear complaints that the agencies [*i.e.*, Kansas Department of Social and Rehabilitation Services (SRS) and the regional contracting agencies for foster care and family preservation services] act without permission or input, do not place [children] 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."
- "In my experience, when contractors have performed poorly in cases, it's due to a few

main factors:

- Inexperience of workers, changing workers
  - Timeliness of services, dropping the ball, resources
  - Placement issues – attachment of children to foster parents who want to adopt
  - Policies that don't serve families (visitation, grandparent visitation, resources)"
- Although opining that the Kansas Child In Need of Care Code (KSA 38-2201 *et seq.*) is "... one of the best written bodies of law in the country as pertains to child welfare.....," one GAL suggested a statutory change authorizing judicial determination of 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 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."

- "[In a number of case examples presented in one GAL's testimony] 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."

### **Issues Regarding Contracting of Foster Care and Family Preservation Services**

Questionable contract award process - The Committee heard from a staff member of the Legislative Division of Post Audit regarding the appropriateness of procedures followed in awarding specific contracts in 2005. The Division of Post Audit was asked to review whether appropriate procedures were followed in awarding contracts to The Farm for foster care and family preservation services in 2005. The audit stated:

"During the [contracting] process, an SRS employee appears to have inadvertently disclosed information that The Farm subsequently used to increase its bids. When conducting the financial phase of the contracting process, SRS officials realized that four of five contractors' bid proposals were significantly higher than SRS' target, while The Farm submitted bids that were lower than SRS had projected.... While discussing its risk mitigation plan with Farm officials during the third and final negotiations, an SRS employee disclosed financial information that initially had been withheld, which led to The Farm increasing its bids. Consequently, the State paid an additional \$2.9 million to The Farm during the first two contract years. To avoid this situation, SRS officials could have finalized negotiations with The Farm before working with the other contractors on the risk-mitigation plan...."

Questions regarding an award of Extraordinary Funding - The Committee heard from an official of Johnson County Developmental Supports, an agency working with people with disabilities. According to the official, Extraordinary Funding (EF) is defined as follows:

“... 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 official stated that SRS authorized a payment of \$713,000 in EF to Community Living Opportunities (CLO), another provider of services to developmentally disabled individuals, in a manner that the official claimed deviated “... from the standard, overriding contract and policy.”

The Attorney General was asked to review the ER award to determine “...whether there was evidence of violations of Kansas criminal statutes, including KSA 21-3846 which prohibits the making of a false claim to the Medicaid program.” The Attorney General concluded:

“[Based upon several findings detailed in the letter]..., I conclude that SRS Secretary Don Jordan and his staff failed to follow SRS procedures in authorizing extraordinary funding for CLO. However, authorizing the extraordinary funding does not rise to the level of criminal culpability under Kansas law.”

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red 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

12/13/2009

House Fed & State Affairs

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Attachment 2

Print.

- \* 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.)
- \* 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.

My husband, Jim & I are former foster parents. We had been fostering children since November 2004. We've had 15 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

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Attachment 3

already explored the aunt & grandmother issue before. It didn't work out when our agency considered that as a possibility.

When the older brothers were in a foster home in Olathe, after being disrupted from their first home, we & their foster mom had bi-weekly visits for the boys. But before the school year was over (Spring 2009), they disrupted there & the two older boys were moved to two different homes a couple of hours away. Eventually, the other boys were put together in the same home, which is where they are now.

The foster family was going to be in Kansas City for a couple of days for a mini vacation before school started. They stayed at a motel by Worlds of Fun. My husband & I drove Jack over to spend a couple of hours with them. The visit went really well & there was a noticeable difference in the behaviors of the older siblings.

I wanted to do an overnight weekend visit for Jack & his brothers. We decided on a date in August. I received an email from their foster mom & she told me about some questionable behaviors from the older brother. I was very concerned about those behaviors, so the visit was cancelled. The brother was disappointed & upset. He was doing better with his behaviors so we tried again. The brothers came for an overnight visit September 19 & 20, 2009. The visit went very well.

Jack's caseworker had told me before that visit that she was taking Jack for an overnight visit to his brothers' foster home for September 25 - 27. It was arranged to be picked up at 8 am on that Friday. She was supposed to be at the other foster home at 10 am. She came to the house & asked Jack if he knew where he was going. He said he was going to see his brothers. She explained to him that he was leaving then & would be returning on Sunday afternoon. She told him he could call mom & dad if he wanted to during the weekend. Jack told his caseworker, "I'm going to miss my mom." We said our goodbyes & they left.

Later that afternoon we received a phone call from our caseworker. She said she received a voicemail message from Jack's caseworker advising her she was not returning Jack to our home. She advised there was an allegation against Jim & I & that SRS instructed her to remove Jack from our home.

Our caseworker was not aware on any allegation. Jack's caseworker advised our caseworker that the allegation came in on Wednesday (September 23). She did not tell her what the allegation was & if she had, of course our caseworker could not tell us.



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

are able to prove your innocence, you are never found innocent. KDHE just can't prove you are guilty.

We believe that Jack's caseworker knew she wasn't returning Jack to our home when she picked him up that day. She lied to us & she lied to this 4 year old boy. It's no wonder most foster children don't trust their caseworkers. Jack's caseworker lied to the judge that day when she knew there were no allegations of physical abuse & that he was not removed on an emergency basis.

Foster parents take children in with the idea that it is temporary. What makes our case different is that we were approved to adopt this child & because the agency we were working with dropped the ball, we've been subjected to a nightmare. Jack was uprooted from his home. We have no idea what Jack has been told. During the Motion to Intervene hearing we asked to see Jack. The caseworker told the judge she'd have to confer with her supervisor. That was 11/13/09 & we after not hearing anything back I contacted SRS. SRS asked/instructed KVC to allow us to see Jack. A few days after we were contacted about our scheduled visit, KVC cancelled it.

SRS (Angela Webb) submitted a report to the court on January 20, 2010. There were several lies in the report. One of which was that Jack's behavior had digressed since our visit with him. Since our visit was cancelled & we were not allowed to see Jack, it's very plain that was an untruth reported to the judge. When our attorney brought that to Judge Sloan's attention, she didn't address the untruth & she never asked why. She never reprimanded anyone. However, she did say not having a visit wasn't the issue.

Because of the time restraints, I won't address the other untruths in the report. But I will say that at no time was that report to the court dismissed or removed. It's probably part of the permanent record.

One very disturbing fact came to us that day at court. Our lovable, well adjusted Jack was put into a hospital for mental issues. When Jack was with us, he needed no therapy. Perhaps being abruptly removed from the home he was in for 14 months with a loving & supportive family contributed to that. Jack was a good kid with few bad behaviors. All kids have bad behaviors now & then. Sometimes he would bite at daycare. But other kids bit him too & they were all three & four year olds. Not really abnormal behavior. It's very upsetting to think they hospitalized that sweet, loving child. Did he feel abandoned? Was he afraid? Did he cry? It breaks my heart.

My husband & I have seen both sides of these issues. We have been a foster family favored by the foster care agencies & now we are black balled by those same foster care agencies because we fought for a child that we were told we

could adopt. We were good foster parents. The agencies are always looking for good foster parents as long as those foster parents don't make a fuss. Don't stir anything up because of any injustice. That isn't who Jim & I are. My husband Jim has a passion for foster care & he advocates for the children, but unfortunately we aren't allowed to do foster care anymore. We would like to adopt another child but to do that, we have to go through KVC in the area where we live. What do you think our chances of adopting are through KVC?

Of course we'd still adopt Jack if we were allowed to do so.

\*Name changed to protect privacy

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**Testimony of Linda Thaw**  
15331 Lake Road 2, Gardner KS 66030

My significant other and I bought a 2 bedroom house in October 2001 where we planned to spend the rest of our lives. On April 12, 2006, my oldest granddaughter, age 11, moved in with us and on July 29, 2006, the other 3 grandchildren moved in, ages 3, 5 and 7. Their mom and dad were separated and the mother was homeless so we took the kids rather than them going into state custody and possibly being separated.

We received \$400/mon TAF as soon as the children moved in and that ended one year later in August 2007.

I was receiving help from SRS with child care as long as I was working. Three months later, I lost my job due to taking too much time off for attorney meetings, court, doctor appointments, dental appointments for the kids, etc. The next job lasted 2 weeks and the next job lasted 2 months.

In August, 2007, the father of the children began to pay \$457/mo by court order and when their mother went to work, she had a court order to pay \$500.93/mo. She did so until she was fired and then she paid a lower amount of \$355/mo based on her unemployment. That gave us \$812/mo and \$800 for food stamps per month. The \$812 wasn't enough to pay the mortgage. Then the SRS decided to give me The Grandparents as Caregivers Act that I should have been getting all along. It was \$600/mo. The Act was cancelled June 29, 2009 because of budget cuts with only 30 days notice. I had no Health Care for myself, but the kids were on HealthWave.

My significant other left in June, 2008 and there went 1/2 of my income. One week later, I lost the last job I had held for the last 7 months so there went the other 1/2 of my income. I collected 3 weeks severance pay. During the time I received unemployment for 10 weeks, I applied for assistance from SRS but did not qualify for anything, not even food stamps, because they said I made too much money on unemployment.

Then SRS notified me that I owed them over \$2,000 for child care they had already paid me because they said I made too much money due to a one time bonus, when I had my job, to qualify for child care help. I still owe that money.

After losing my last job, I could not find a meaningful job that paid enough to make it worth while and leave me time to care for the grandchildren. At my last job I left at 6:15 am to take the oldest to basketball then dropped the 3 youngest off at day care and raced to get back at night before 6pm or pay a late fee per minute. Doing laundry and dishes and preparing meals for 4 kids is a full time job in itself.

In August 2009, I gave up the struggle and said that I could no longer manage. When we went to court, I never dreamed that the judge would separate the children, but he did: the 2 oldest live with their father and the 2 youngest with their mother.

The oldest grandchild has asked me recently if she can come back to my home. My home is now in foreclosure and they want to repossess my car. I have no job and cannot find one. I am 61 and too young to retire on Social Security. The children and I should not have had to go through this horrendous financial hardship that we did. I should not have to lose everything for doing the right thing in caring for my grandchildren. The children were thriving here with their grandmother on a stable schedule.

I would like to thank you for hearing my testimony. I would be willing to answer any questions you may have.

House Fed & State Affairs  
Date: 3-4-2010

Attachment 4



# **KANSAS**

DEPARTMENT OF SOCIAL  
AND REHABILITATION SERVICES

Don Jordan, Secretary

House Federal and State Affairs  
March 4, 2010

Improving Child Welfare Outcomes

Secretary Don Jordan

For Additional Information Contact:  
Katy Belot, Director of Public Policy  
Docking State Office Building, 6<sup>th</sup> Floor North  
(785) 296-3271

House Fed & State Affairs  
Date: 3-4-2010

Attachment 5

## Improving Child Welfare Outcomes

### House Federal and State Affairs

March 4, 2010

Chairman Neufeld and members of the committee, thank you for the opportunity to provide historical perspective on the issues which prompted development of Kansas' child welfare contracts, and to provide details on how SRS currently measures and manages child welfare outcomes.

#### **LPA Report Series 1987-1994**

Several reports examined aspects of Kansas child welfare service delivery hampered by deficiencies and complexities in protection and permanency services for children and families.

#### **February 1987**

- Spending per child varies considerably across Kansas.
- The number of children in SRS custody rose by more than 20 percent between FY 1986 and FY 1988.
- Although the number of people licensed to provide foster care generally has kept up with this increase in children, the number of social workers has not increased correspondingly.
- Cost of the foster care program is unknown because SRS budgeting and accounting system counts only direct payments to foster care providers; it excludes the salaries of social workers who manage cases.
- Noted problems with the accuracy of figures reported by SRS
- During the previous three years, the amount spent on direct payments to foster care providers increased by about 56 percent (35.2 percent when adjusted for inflation).

#### **1990**

- SRS established procedures to ensure that children are placed in the least restrictive setting possible, but did not always follow those procedures or document compliance.
- SRS needs to improve its foster care allocation formula, compliance, and documentation.

#### **November 1990**

- The number of child abuse or neglect reports investigated by the SRS increased by about 34 percent between FY 1980 and FY 1990
- Twenty percent of SRS investigations were not reviewed timely and adequately; some reports were not investigated at all.
- Many families that were at risk of abusing or neglecting their children did not receive preventive family services from SRS.

- Department procedures and management controls were not always effective and were not always followed.
- Finally, surveyed SRS staff indicated they do not always have adequate resources to do their jobs, which could have contributed to problems noted during the audit.

#### **March 1991**

- Many controls and procedures for the foster care system seemed to be adequate, but SRS lacked basic program management information.
- About one-fifth of all placements were not made as recommended, apparently because recommended facilities often were not available.
- Most children and families received services--such as individual or family counseling or clinical evaluations--but SRS did not always recommend services for those who needed them.
- Recommended services often were not started or completed.

#### **April 1991**

- The number of social workers assigned to foster care has not kept pace with the growing number of children in SRS custody.
- Although SRS could not provide information showing changes in caseloads over time, LPA estimated that average foster care caseloads were more than double the standard proposed by the Child Welfare League of America.
- It did not appear that funding affected placement and service decisions. The limiting factor appeared to be the lack of appropriate placements and services.
- Most foster care providers surveyed thought the reimbursements they received from the State did not cover their costs, but this did not appear to be a major reason for them leaving the system.

#### **June 1991**

- This report summarizes the findings and recommendations from the series of audits the Division conducted of the State's foster care program, plus an audit of the handling of reports of child abuse and neglect.
- This summary report discusses the need to place greater emphasis on preventing children from coming into the overburdened foster care system.

#### **June 1994 (SRS investigation of abuse or neglect in foster homes)**

- About 30% of abuse and neglect complaints against foster homes reviewed were not adequately investigated.
- In nearly half the cases LPA reviewed, SRS did not take adequate steps to determine whether foster parents' natural or adopted children were safe.
- The problems stemmed from inadequate Department policies, failure to follow existing policies, and failure to document some actions.



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- The most common shortcomings were delays in getting investigations started and failure to interview all appropriate persons.
- The Department did not always follow up to ensure that foster parents completed additional training or made corrections they agreed to make following an abuse investigation.
- The Department has not established adequate checks to ensure that licenses are not issued to applicants with past criminal records or other problems that might present risks to foster children.
- Nearly 20% of the licensing files LPA reviewed did not contain required assessments of the applicant and his or her family, and many had inadequate character reference checks.

#### July 1996

- The department did not properly assess and screen abuse or neglect reports it received
- Preliminary risk assessments were not conducted as required, and protective services investigations were not initiated by the assigned deadline
- Family-based assessments were not completed as required or by the assigned deadline
- Family service plans were not completed as required or by the assigned deadline
- SRS did not interview all the appropriate parties during an investigation
- Protective services investigations were not completed by the assigned deadline
- SRS did not review and document previous unconfirmed reports of abuse or neglect, as required
- SRS did not request ex parte orders or removal by law enforcement appropriately.



***Sheila A. v. Joan Finney***

A local guardian ad litem filed suit in 1989 in Shawnee County District Court. The Children's Rights Project (CRP) of the American Civil Liberties Union filed an amended petition and joined Ms. Netherton in 1990. In 1993 the court approved a 33 page settlement agreement containing 153 requirements for SRS to adhere to within certain deadlines, with implementation monitored by LPA. Kansas and CRP agreed in 2002 to terminate the 1993 settlement agreement as successfully completed. No other state had been able to achieve a mutually satisfactory conclusion to CRP's efforts to improve child welfare. Kansas' promising performance with national CFSR outcome standards with service models supported agreement to terminate settlement.

**Pre-Privatization Summary**

- SRS child protective service staff
  - Divided their time between conducting child protective service investigations and the myriad tasks involved in the delivery of permanency services, e.g. reintegration and adoption support.
  - Provided many direct services to children and their families and purchased services from private providers to meet the needs of families.
- Service Standards
  - Standards were applied in deciding which providers would be used for various sorts of service provision, but there were no outcome measures associated with the amount of services provided or the progress of clients receiving services from the providers. Expectations were not clear.
  - Providers often gave services to families for many years at a time with little or no improvement being shown.
  - The availability of services, especially family preservation, was not equal across the state. Urban areas of the state were often heavy on services to keep families intact, but those in rural areas were largely unserved.

## **Child Welfare Contracts**

- Diverse public and private entities worked in concert to design a new delivery system and improve child welfare practices in the State of Kansas, with support from Governor Graves and the Legislature.
- Kansas was the first state to implement measurable statewide outcomes for safety and timely permanency.
- Child welfare service delivery involves networks, relationships and partners who share values responsible for the safety, permanency, and well-being of children and families
- Supported the service shift for SRS staff to CPS including the investigation of child abuse/neglect reports, safety planning and service assessments of families.
- Statewide access to FPS available 24/7 achieved (rather than the 44 counties prior to contracts.)
- Partnerships increased capacity of family foster homes in Kansas.
- US Department of Health and Human Services Administration for Children and Families (ACF) reviewed Kansas information and benchmarks as they developed the National Child Welfare Outcome.

## **Initial Implementation**

- July 1996 - Family preservation services privatized.
- October 1996- Adoption services privatized.
- February 1997 - Foster care services privatized.
- July 1997 - Juvenile Justice programs transferred from SRS to JJA

## **Subsequent Contracts and Improvements**

- 2000, second round of contracts
  - Well-being outcomes to assure children placed in a family-like setting make Kansas a leader in placing children in the least restrictive setting.
  - Modified payment structure of a base administrative rate with variable rate per child per month.
- Child and Family Services Review Round 1
  - On-site review in June 2001,
  - Program Improvement Plan (PIP) approved September 2002
- 2005, third round of contracts
  - Scope of services in the Family Preservation Contract includes working with the family should they need foster care services.
  - Foster care payment structure created with tiers and caps at certain months of stay in a child's custody episode.

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- Additional outcomes and process measures implemented to amplify family centered practice and accountability:
  - Increased frequency of parent / child interactions
  - placement with relatives
  - satisfaction surveys with families and older youth in care
  - independent living services for older youth in care
- Children and Family Services Review Round 2
  - Round 2 site review in June 2007
  - PIP approved 2008
- 2009, fourth round of contracts
  - Outcomes match Children and Family Services Review, with additional success measures included for same school attendance, placement with sibling/relatives and educational attainment.
  - Financial payment structure returns to structure of a base administrative payment and variable payment for the number of children served to ensure predictability for the state and contractors.
  - Family Preservation - scope of work returns to in-home services and expands to serve population of pregnant women using substances.
- Children and Family Services Review (CFSR) 2010
  - Kansas performance has achieved negotiated rates of improvement
  - If performance continues, Kansas will successfully end PIP June 2010
  - With 36 states completing Round 2 of CFSR:
    - Kansas ranks in the Top 5 performers for 4 of 7 national CFSR outcomes.
    - Kansas ranks 1<sup>st</sup> in preserving family connections and in enhancing families' capacity to meet their needs (tied for 1<sup>st</sup> with Ohio).
    - Kansas is in the Top 10 for six of seven outcomes and ranks 11<sup>th</sup> in the seventh.

**Performance Then and Now**

The child protection system that LPA found in the mid-1990s has been strengthened since the Child Welfare Community Based Services Partnership was implemented.

- o Since 2003, Kansas has met national safety standards (94.6% of children are safe from recurrent abuse) for assuring children are safe from recurrent abuse.
- o For nearly 10 years, Kansas has met the national standard for safety in foster care placement (99.68% of children are safe from maltreatment in FC).
- o To date in FY 2010, 98% of CINC reports are reviewed timely by a social worker (within one half work day) to determine if further action is needed by the agency.
- o Thus far in FY 2010, 97% of assigned CINC reports have timely contact initiated by a CPS social worker with a child or family.

<b>Foster Care Indicators</b>	<b>1997</b>	<b>1999</b>	<b>2003</b>	<b>2006</b>	<b>2009</b>
Number of children entering care	N/A	3,342	2,642	3,048	3,040
Number of Children In Residential Facility (snapshot = last day of the year)	1,064	606	535	421	421
Percentage of Children in Residential Facility	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
Number of Family Foster Homes	1,950	N/A	N/A	2,420	2,620

Attachments:

CFSR All States Comparison

Contract Outcomes Performance Report

5-9

2nd Round Outcomes		Outcomes Substantial conformity for a state is based on if an outcome met 95%						
State	Total number of States	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 1/14/10	36							
Kansas Ranking		2nd	8th	5th	1st	1st	11th	6th
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%
Colorado		73.0%	66.2%	37.5%	75.0%	47.7%	86.0%	82.0%
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%
District 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%
Hawaii		87.0%	61.5%	47.5%	75.0%	40.0%	89.2%	65.5%
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%
Kansas		93.8%	75.0%	52.5%	90.0%	65.6%	91.5%	85.5%
Kentucky		90.9%	76.9%	47.5%	67.5%	47.7%	87.2%	83.6%
Maine		76.7%	53.8%	52.5%	75.0%	43.1%	94.4%	71.2%
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%
Montana		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 Jersey		86.0%	69.2%	30.0%	50.0%	44.6%	83.3%	71.7%
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%	47.5%	80.0%	63.1%	96.0%	78.7%
North Dakota		89.3%	70.8%	70.0%	82.5%	53.8%	95.3%	86.4%
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%

Systemic Factors Substantial conformity for a state is based on a score of 3 or 4						
Statewide Information System	Case Review System	Quality Assurance System	Training	Service Array	Agency Responsiveness to the Community	Foster and Adoptive Parent Licensing, Recruitment, and Retention
Number & percent of states with scores higher than Kansas						
0	1	0	24	9	0	0
0.0%	2.8%	0.0%	66.7%	25.0%	0.0%	0.0%
3	2	4	2	3	4	2
3	2	2	2	2	2	2
4	2	3	4	2	4	4
4	2	2	2	1	4	2
3	2	3	2	2	3	2
2	2	2	2	2	4	3
2	2	3	3	3	4	3
4	2	4	4	2	4	3
3	3	4	3	3	4	4
4	2	4	2	2	4	4
4	2	3	4	2	3	2
4	2	3	2	3	4	4
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4	2	2	2	2	4	3
4	2	4	2	2	4	4
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4	2	4	3	2	4	4

**Child Welfare Community Based Service Providers  
SFY 2010 (July 1, 2009-December 31, 2009)**

		Family Preservation Contracts					
Outcomes SFY 10							
		Reg. 1 DCCCA	Reg. 2 DCCCA	Reg. 3 SFCS	Reg. 4 SFCS	Reg. 5 DCCCA	Statewide
<b>Safety</b>		Data Available April, 2010					
Infant Born Substance Free (Standard: 90% or more)							
Children Maintained at Home (Standard : 95% or more)		81.2%	86.1%	86.3%	83.1%	85.7%	84.5%
Safety During FP 180 days (Standard: 95% or more)		99.4%	97.2%	99.1%	99.5%	99.3%	98.8%
Families Engaged in FP Services (Standard: 95% or more)		93.3%	88.0%	86.1%	75.2%	86.3%	85.2%
		Reintegration Contracts					
Outcomes and Success Indicators SFY 10							
		Reg. 1 TFI	Reg. 2 KVC	Reg. 3 TFI	Reg. 4 SFCS	Reg. 5 YV	Statewide
<b>Safety</b>							
Safety in FC (Standard: 99.68% or more)		99.55%	99.77%	99.93%	100%	100%	99.87%
<b>Permanency &amp; Well-Being</b>							
Family Like Setting (Standard: 90% or more)		93.9%	92.4%	92.7%	92.1%	93.5%	92.9%
Reunification	Timely Reunification < 12 mos of removal (69.9% or more)	54.6%	56.8%	56.6%	51.5%	28.4%	50.8%
	Timely Reunification Median Length of Stay (6.5 mos. or less)	10.33	11.67	11.33	11.83	17.33	11.33
	Timely Reunification for entry 1/1/09-6/30/09 (39.4% or more)	Not valid measure until completion of SFY					
Adoption	Stable Permanency re-entry in < 12 mos. (Standard 15% or less)	12.6%	6.3%	14.3%	5.9%	3.6%	8.7%
	Timely Adoption < 24 mos. (Standard: 26.8% or more)	25.0%	40.0%	32.4%	30.2%	34.6%	34.4%
	Timely Adoption Median Length of Stay (32.4 mos. or less)	31.3	26.2	33.3	34.9	30.3	29.1
	Children in Care 17+ mos. Adopted (Standard: 20.2% or more)	Not valid measure until completion of SFY					
Permanencie	Children in Care 17+ mos. Legally free (Standard: 8.8% or more)	11.2%	7.6%	15.0%	11.2%	17.2%	13.0%
	Adopted in < 12 mos of TPR. (Standard: 45.8% or more)	25.3%	29.6%	47.5%	40.8%	54.0%	39.6%
	Children in Care for 24+ mos (Standard: 25% or more)	Not valid measure until completion of SFY					
Stability	Permanency with TPR (Standard: 96.8% or more)	82.4%	85.2%	90.2%	83.5%	90.4%	87.4%
	Children in Care 3+ yrs (Standard: 47.8% or less)	16.7%	54.8%	17.8%	25.5%	56.5%	35.4%
	Placement Stability <12 mos. (Standard: 83.3% or more)	80.8%	83.0%	80.8%	79.7%	69.5%	79.3%
Placement Stability =12 mos and <24 mos.(59.9% or more)		53.6%	56.5%	51.2%	50.7%	48.2%	51.8%
Placement Stability 24+ mos. (Standard: 33.9% or more)		25.7%	29.5%	31.1%	23.8%	23.4%	26.6%
<b>Success Indicators</b>							
Diploma/GED		9.10%	32.70%	18.60%	22.60%	31.80%	24.50%
Semester Credits		Data available Feb. 20, 2010					
Positive Role Model		100.0%	96.6%	100.0%	89.4%	100.0%	96.3%
Placed with Relatives		30.3%	28.9%	29.4%	26.1%	21.4%	27.1%
Same School		25.1%	10.7%	17.4%	18.8%	18.2%	17.8%
Sibling Placement		79.8%	73.5%	74.0%	73.9%	71.0%	74.1%
<b>Misc. Outcomes</b>							
Child/Worker visits (Benchmark=80% FFY 10)		96.7%	89.6%	95.5%	94.0%	95.3%	93.2%

Highlight=met performance standard

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5-10

# KANSAS

DEPARTMENT OF SOCIAL  
AND REHABILITATION SERVICES  
Children and Family Services

## Child Welfare Portrait

SFY 2010 (July 1, 2009-December 31, 2009)

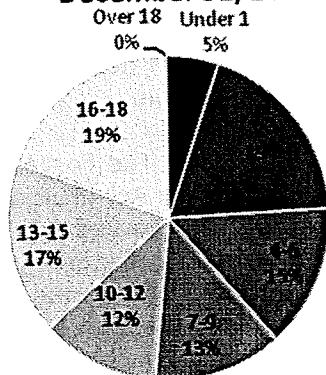
Information in this Child Welfare Portrait provides an overall snapshot of characteristics and performance of Kansas' child welfare programs and national information as available.

General Information <sup>1</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	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	20.5	20.9
% of Children in a family like setting	92.9%	82.1%
% of Children placed with relatives	27.1%	25.7% (FFY06)

Race <sup>2</sup>	Children under 18 in Kansas		Children in Out of Home Placement	
	# children	%	# children	%
African American/Black	42,461	6%	1,083	22%
American Indian/ Native Alaskan	6,961	1%	56	1%
Asian	15,314	2%	22	1%
Caucasian	618,817	89%	3,830	76%
Hawaiian/Pacific Islander	696	0%	9	0%
Unable to Determine	11,833	2%	22	0%
Totals	696,082	100%	5,022	100%

### Age of Children in Out of Home Placement

December 31, 2009



During SFY2009, the removal rate of children into out of home placement in Kansas (4.5) was slightly higher than the national rate (4.1). This rate of 4.5 is lower than the removal rate of 5.2 in SFY2008. The number of children in out of home placement between June 30, 2009 and December 31, 2009 increased 1%. Over one-third (36%) of youth in out of home placement are age 13 or older.

<sup>1</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>2</sup> Race is self reported to the agency

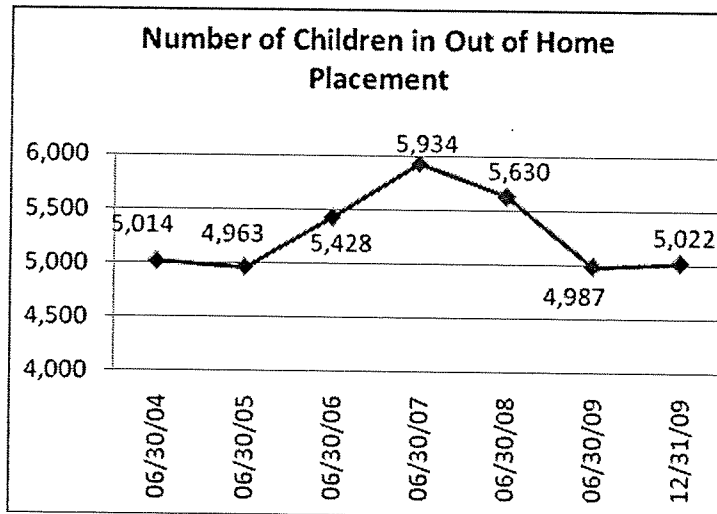
### Performance with Child and Family Service Reviews (CFSR)

- Kansas is in the Sixth Quarter of the CFSR Program Improvement Plan and continues to meet all negotiated performance improvement goals.
- Kansas' performance ranks in the top five states for 4 of the 7 CFSR outcomes, with a performance ranking of 2<sup>nd</sup> highest for child safety.

### Safety and Supporting Families

- Children in Kansas are safe from recurrence of abuse and neglect. Since 2003, Kansas has met the National Standard (94.6%).
- For 10 years, Kansas has met the National Standard (99.68%) for absence of child abuse and neglect in foster care.
- In SFY 2010 (July 2009 – December 2009), Kansas served 1,353 families with the family preservation services program.
- The number of children in out of home placement statewide on December 31, 2009 (5,022) decreased 5% from the number of children in out of home placement statewide on December 31, 2008 (5,295).

### Timely Permanency and Youth Self Sufficiency

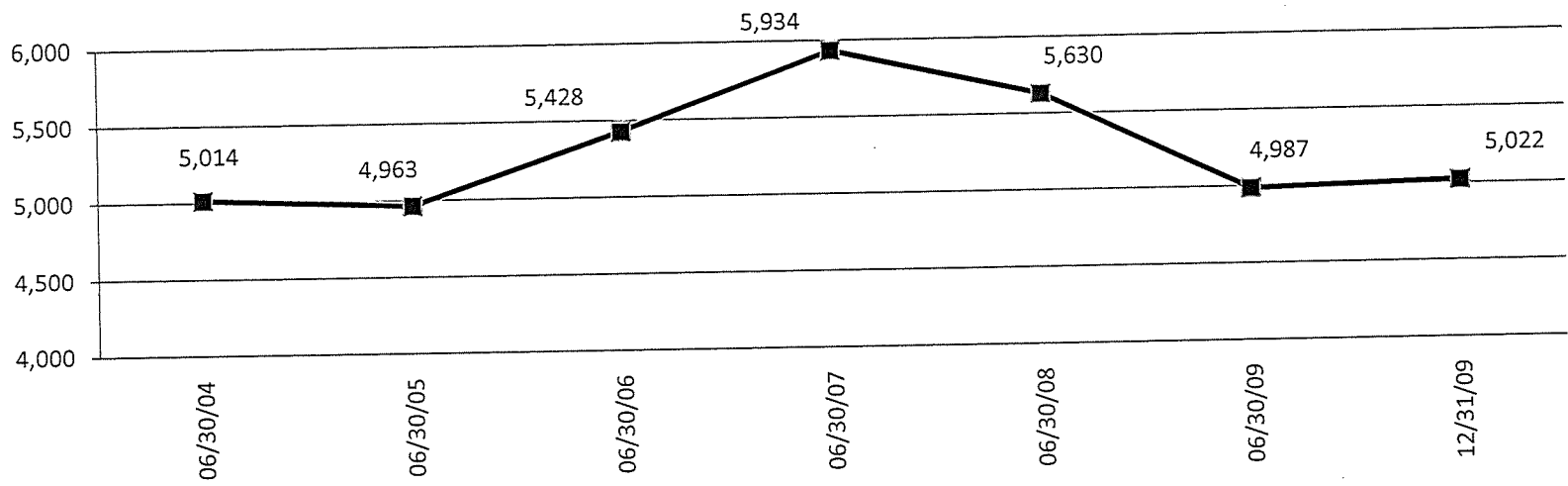


- From June of 2007 through December of 2009, the number of children in out of home placement decreased 15%. In SFY 09, Kansas achieved the highest number of adoptions thus far, with 816 adoptions. In SFY 2010 (July 2009-December 2009) there have been 432 finalized adoptions.

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 Education & Training Voucher program in SFY 09.



Number of Children in Out of Home Placement Across Points In Time





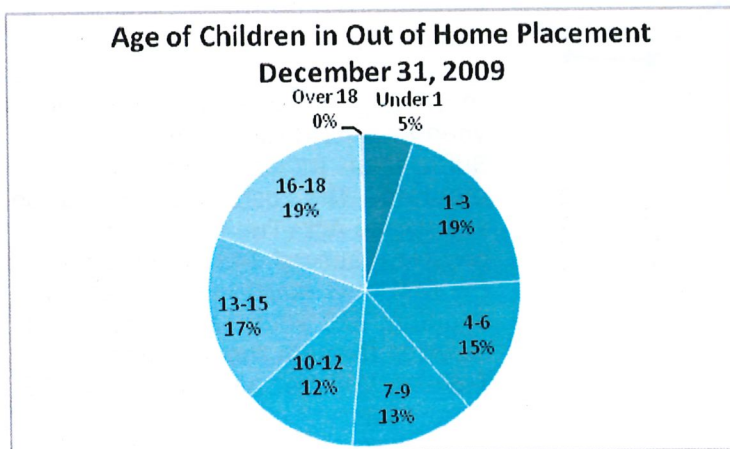
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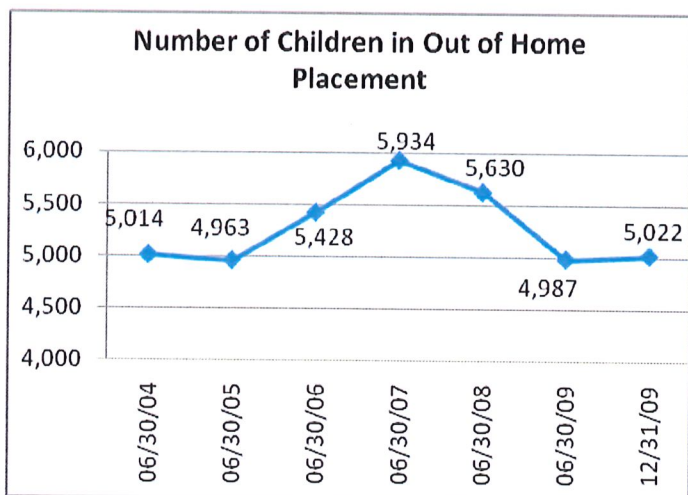
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**Child Welfare Community Based Service Providers  
SFY 2010 (July 1, 2009-December 31, 2009)**

Family Preservation Contracts						
Outcomes SFY 10						
	Reg. 1 DCCCA	Reg. 2 DCCCA	Reg. 3 SFCS	Reg. 4 SFCS	Reg. 5 DCCCA	Statewide
<b>Safety</b>						
Infant Born Substance Free (Standard: 90% or more)	Data Available April, 2010					
Children Maintained at Home (Standard : 95% or more)	81.2%	86.1%	86.3%	83.1%	85.7%	84.5%
Safety During FP 180 days (Standard: 95% or more)	99.4%	97.2%	99.1%	99.5%	99.3%	98.8%
Families Engaged in FP Services (Standard: 95% or more)	93.3%	88.0%	86.1%	75.2%	86.3%	85.2%
Reintegration Contracts						
Outcomes and Success Indicators SFY 10						
	Reg. 1 TFI	Reg. 2 KVC	Reg. 3 TFI	Reg. 4 SFCS	Reg. 5 YV	Statewide
<b>Safety</b>						
Safety in FC (Standard: 99.68% or more)	99.55%	99.77%	99.93%	100%	100%	99.87%
<b>Permanency &amp; Well-Being</b>						
Family Like Setting (Standard: 90% or more)	93.9%	92.4%	92.7%	92.1%	93.5%	92.9%
Timely Reunification < 12 mos of removal (69.9% or more)	54.6%	56.8%	56.6%	51.5%	28.4%	50.8%
Timely Reunification Median Length of Stay (6.5 mos. or less)	10.33	11.67	11.33	11.83	17.33	11.33
Timely Reunification for entry 1/1/09-6/30/09 (39.4% or more)	Not valid measure until completion of SFY					
Stable Permanency re-entry in < 12 mos. (Standard 15% or less)	12.6%	6.3%	14.3%	5.9%	3.6%	8.7%
<b>Adoption</b>						
Timely Adoption < 24 mos. (Standard: 26.8% or more)	25.0%	40.0%	32.4%	30.2%	34.6%	34.4%
Timely Adoption Median Length of Stay (32.4 mos. or less)	31.3	26.2	33.3	34.9	30.3	29.1
Children in Care 17+ mos. Adopted (Standard: 20.2% or more)	Not valid measure until completion of SFY					
Children in Care 17+ mos. Legally free (Standard: 8.8% or more)	11.2%	7.6%	15.0%	11.2%	17.2%	13.0%
Adopted in < 12 mos of TPR. (Standard: 45.8% or more)	25.3%	29.6%	47.5%	40.8%	54.0%	39.6%
<b>Permanencie</b>						
Children in Care for 24+ mos (Standard: 25% or more)	Not valid measure until completion of SFY					
Permanency with TPR (Standard: 96.8% or more)	82.4%	85.2%	90.2%	83.5%	90.4%	87.4%
Children in Care 3+ yrs (Standard: 47.8% or less)	16.7%	54.8%	17.8%	25.5%	56.5%	35.4%
<b>Stability</b>						
Placement Stability <12 mos. (Standard: 83.3% or more)	80.8%	83.0%	80.8%	79.7%	69.5%	79.3%
Placement Stability =12 mos and <24 mos.(59.9% or more)	53.6%	56.5%	51.2%	50.7%	48.2%	51.8%
Placement Stability 24+ mos. (Standard: 33.9% or more)	25.7%	29.5%	31.1%	23.8%	23.4%	26.6%
<b>Success Indicators</b>						
Diploma/GED	9.10%	32.70%	18.60%	22.60%	31.80%	24.50%
Semester Credits	Data available Feb. 20, 2010					
Positive Role Model	100.0%	96.6%	100.0%	89.4%	100.0%	96.3%
Placed with Relatives	30.3%	28.9%	29.4%	26.1%	21.4%	27.1%
Same School	25.1%	10.7%	17.4%	18.8%	18.2%	17.8%
Sibling Placement	79.8%	73.5%	74.0%	73.9%	71.0%	74.1%
<b>Misc. Outcomes</b>						
Child/Worker visits (Benchmark=80% FFY 10)	96.7%	89.6%	95.5%	94.0%	95.3%	93.2%

Highlight=met performance standard

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CFSR 2nd Round Outcomes		Outcomes Substantial conformity for a state is based on if an outcome met 95%							Systemic Factors Substantial conformity for a state is based on a score of 3 or 4						
State	Total number of States	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	Statewide Information System	Case Review System	Quality Assurance System	Training	Service Array	Agency Responsiveness to the Community	Foster and Adoptive Parent Licensing, Recruitment, and Retention
Updated 1/14/10	36								Number & percent of states with scores higher than Kansas						
Kansas Ranking		2nd	8th	5th	1st	1st	11th	6th	0 0.0%	1 2.8%	0 0.0%	24 66.7%	9 25.0%	0 0.0%	0 0.0%
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%							
Colorado		73.0%	66.2%	37.5%	75.0%	47.7%	86.0%	82.0%							
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%							
District 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%							
Hawaii		87.0%	61.5%	47.5%	75.0%	40.0%	89.2%	65.5%							
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%							
Maine		76.7%	53.8%	52.5%	75.0%	43.1%	94.4%	71.2%							
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%							
Montana		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 Jersey		86.0%	69.2%	30.0%	50.0%	44.6%	83.3%	71.7%							
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%							
North Dakota		89.3%	70.8%	70.0%	82.5%	53.8%	95.3%	86.4%							
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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**House Committee on Federal and State Affairs  
Child Welfare Testimony  
March 4, 2010**

**Corporate Office**  
21350 West 153rd Street  
Olathe, Kansas 66061-5413  
913/322-4900  
www.kvc.org

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Jackie Suttington, M.A.  
*V.P.-Resource Family Quality Assurance*

Vishal Adma, M.D.  
*Medical Director  
Hospital and Residential Division*



Chairman Neufeld and honorable members of the Committee, I am Erin Stucky, President of KVC Behavioral HealthCare—Kansas. I appreciate the opportunity to provide testimony regarding the history of the child welfare system prior to privatization and the operational side of the Kansas system through the eyes of the contractors. I also wish to thank you for the opportunity to work under the public private partnership for the past 13 years. I am proud to be a part of Kansas' continual improvement of services to children and families

KVC Behavioral Healthcare has been a provider of services to children and families in Kansas for 40 years. Currently, KVC holds the Contract for the Kansas City Metro Region of the state have done so since the onset of privatization in 1997. KVC provides services to children and families from the time it is determined by the court that a child is not safe in his or her home and is referred by SRS, until one year after permanency is achieved. Services include placement of children, case-planning, and facilitation of and direct provision of services to the child and family. Reintegration is always the initial case plan goal but when reintegration cannot safely occur, other permanency options include adoption, custodianship or in the case of some older youth, independent living.

Since 1997, I have been involved in privatization with KVC. At that time, I was a Case Manager and initially accepted the cases of 28 children transitioned from SRS to a Contractor. I was in a position to fully experience this transition and the extraordinary efforts of many to make privatization successful.

I am proud to report to you today that the Kansas Child Welfare System has been transformed from one in which children grew up in foster care to one in which children reach permanency in a timely manner and remain safe.

Through the vigilant care of many people and organizations, the system has been transformed from one that was under a court mandate for improvement in the 1990s to one that was reviewed by the U.S. Department of Health and Human Services in 2008 as having exceptional outcomes for children in state custody and their families.

Prior to the move to privatization, outcomes were not set and data regarding the outcomes for children was not typically maintained. There was no ongoing push to help children achieve permanency and

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Date: 3-4-2010  
Attachment 6

long term foster care was even thought to be an appropriate case plan goal for children. Placement with relatives or with siblings was a consideration for children who had to be placed out of their home but this was not something that was monitored or measured. There was no concerted effort to place children close to their homes. Now outcomes are set and measured and the contractors, in partnership with the state, have real time data by which to manage service provision.

Fourteen years ago, children needing to be placed out of home were likely to be placed in residential facilities. Knowing that children grow best in families, Kansas has transitioned to the needs of each child being considered individually, and children are placed in a relative or foster home if at all possible. During the period of state-administered child welfare services, residential care usage reached highs of 40 percent. Currently, the state-wide average is lower than 7 percent.

Kansas has truly transformed service delivery. Other system improvements include services being available 24/7, not just 8-5 Monday through Friday. Children are no longer rejected or ejected from needed services and services are equitable across the state. SRS is able to focus on investigation of abuse and neglect as well as prevention services and the contractors are able to focus on permanency work.

The stated goals of early privatization were as follows: focus on permanency; provide equitable services; SRS workers focus on child protective services; move to an outcome-driven system; create an atmosphere of partnership; and employ a "no reject-no eject" philosophy. Children are benefitting from the implementation of these goals and their accomplishment.

For contractors providing Reintegration/Foster Care and Adoption Services, children are referred following a decision by the Court that a child must be placed in out-of-home care to be safe. At the point the decision is made that removal is necessary, SRS makes a referral to the contractor and within four hours, we accept physical custody of the child referred. Contractors begin immediately assessing the most appropriate placement for the child. Relative placement is preferred so thorough initial assessment occurs on each and every relative option provided. It is our goal to receive relative information quickly so that assessment and background checks occur immediately and initial placement can be made so that a child will not have to experience a move from the initial placement. When a relative is not available, a search begins for a Non-Relative kin (someone known to the child or the child's family), and if one is not found then a search is made for a foster home placement in the child's home school area. If a child is

referred along with siblings, diligent efforts are made to ensure the siblings are placed together. Family and community connections are extremely important for children and families as they work toward reunification.

During the time placement decisions are being made, KVC already begins what is an intense period of working with family to assist them in identifying their strengths and needs. Parents are contacted immediately to determine a meeting time and place to begin planning for visitation, supports and services. A meeting is held within 24 hours with the family and others who will be involved with the family. At that time, issues related to the reason for removal are covered so that a plan can be developed for the implementation of services to address the family's needs. Throughout the period of time a child and family are involved with services, continuous contact and planning occurs. The ultimate goal in the provision of each service is to support a child to successful permanency. At the point that permanency occurs, a 12-month period of aftercare services are initiated to ensure safety and success. Privatization efforts in Kansas have ensured safe and stable permanency for children. Kansas contractors are successfully maintaining about 92 percent of children safely in their permanency placements. An important system success in Kansas is that once children are returned home, they are safely and maintain there with a high degree of regularity.

We know that children grow best in families and children can't wait. The ability to focus on one child, one family at a time has created a strong system, as demonstrated by consistent improvement in outcome performance which is measured and monitored ongoing. Kansas has a reputation in the national child welfare system as being progressive. Many officials from other states visit Kansas each year for consultation and information as they move toward reform efforts to improve the system in their own states.

I would encourage you as you make decisions today and into the future to use the current system as a base and to build on what we as a state have accomplished. We must always strive to do better for the children of Kansas and the experience of the last 14 years provides you with a firm foundation on which to continue to build.

Thank you for your consideration of my testimony. Should any of you be available to visit KVC, we would welcome the opportunity to share more. I would be happy to stand for questions now or at the appropriate time.



## House Federal and State Affairs Committee

Testimony presented by Tom Buell, LMSW

Region 5 Director

Family Preservation Services

DCCCA, Inc.

March 4, 2010

Chairman Nuefeld, Vice Chairman Kiegerl and Members of the Committee—

Good afternoon. My name is Tom Buell. I work for DCCCA, a diversified behavioral health provider based out of Lawrence. I am here today because of DCCCA's experience in providing Family Preservation Services, but our agency does a great deal more. DCCCA sponsors foster homes, provides adolescent residential services, operates prevention programs targeting drunk driving and seat belt use, and provides treatment services for prisoners and parolees with the Department of Corrections. However, you may have first come to know our agency for the many drug and alcohol prevention and treatment services we provide in Kansas, especially our centers for women where they can bring their children to live with them during treatment.

I have worked for DCCCA for 17 years, in both juvenile and adult corrections and later overseeing drug and alcohol treatment programs. I spent four years in Topeka directing Family Preservation Services from 2000-2004, and recently returned as the Program Director of Family Preservation Services in Wichita. In addition to the Wichita Region, DCCCA also operates two more of the five Family Preservation contracts- including Southeast Kansas and the Kansas City Metro area. Like many social workers, specific life experiences pushed me toward the social services field. My family's values included respecting my elders and protecting the more vulnerable. My parents modeled those values by fostering children for several years.

Family Preservation has been part of Kansas child welfare since the beginning of the public/private partnership in 1996. The primary purpose of Family Preservation Services (FPS) is to prevent children from entering foster care. If you think of child abuse prevention as a continuum, FPS is at the far end, intended for families whose problems are extremely severe or have failed at other interventions and are about to lose their children to State custody through out of home placement. In fact, many of the children we serve in Wichita have taken the first step into the system and are already in the custody of the State, but allowed by the judge to remain at home under DCCCA supervision.

Most of the families we serve come to the attention of SRS through a report to the Kansas Child Protection Report Center. If a report demonstrates a risk to the safety or well-being of a child due to the child's behavior or the parent's ability to protect them, SRS may offer the family services, which is FPS in many cases. Many of our families initially come to us because of behaviors related to the children—such as truancy, running away or substance abuse—but we usually discover that those behaviors are indicators of underlying abuse or neglect issues in the home. Typically, we make a safety plan with the adult family members specifying how they will handle any situations that may threaten the safety of the children in the home. Our contract requires us to contact families and meet them face-to-face within 48 hours of referral. Our workers also must be available by telephone 24 hours a day, seven days a week and we are obligated to be available, in person if needed, within one hour of any crisis call.

Our contracts require us to remain involved with the families for up to one year, but our most intensive services occur during the first few weeks and months when we complete a comprehensive family assessment and work with the family to write a case plan. Services to help the family complete the plan include—mental health therapy for any or all members of the family; teaching skills such as basic parenting and positive discipline; budgeting; providing transportation; connecting families with community resources; and assuring the children's emotional, physical, medical and psychological needs are met.

Unfortunately, even with our help, some families are unable to commit to improving their situation. If the children cannot safely remain at home, they must enter the custody of the State. Sometimes parents or other family members disagree with how the FPS worker is handling their case. As with any agency, we do get a few complaints. Family members may complain directly to us, to SRS or to their legislator about our services. In every case, we are committed to working with them to clarify their concern and to address it to the best of our ability. All complaints follow the protocol established through our program accreditation requirements and most are resolved through written communication with the regional program director. Sometimes these complaints may reach your desk or even come to the attention of the Governor's office. When that happens, we will address the problem within 24 hours by contacting the consumer, documenting any resolution, and informing the complaining party of their right to appeal to SRS. We even assist them in making that contact.

Prior to the inception of the public/private partnership in 1996, SRS was responsible for operating pilot projects providing FPS in about 44 Kansas Counties. The services were provided to families only during business hours. When DCCCA and other contractors began providing FPS in 1996, our contracts expanded both scope and availability, requiring us to cover all 105 counties and be available to families 24 hours a day, seven days a week. Prior to 1996, SRS did not have specific child welfare performance measures, so initial benchmarks for contractors were somewhat arbitrary and pre- and past-comparisons are difficult. Our outcomes from the start included measuring our ability to engage quickly with families and to prevent removals of

children from families at imminent risk. FPS contractors have equaled or outpaced national outcomes in those two areas.

The peak year for referrals was 2000, when nearly 3500 families were referred for Family Preservation Services. Since then the number has slowly decreased to about 2100 referrals this past fiscal year.

In considering system improvements, we know that FPS cannot be successful without effective collaboration between the various systems of services. The majority of families referred for our services have family dysfunction related to substance use or abuse. In a recent six-month period, 37 children in just one county were removed from their families for reasons related to substance abuse. Until this contract year, substance use or abuse by itself, was not reason enough to warrant a FPS referral. However, there is no argument that parents who abuse drugs or alcohol struggle to safely raise their children or act as positive role models.

Barriers to our success in cases involving drugs or alcohol is the lack of funding for treatment, consumer confusion with multiple access points for assessments, restricted authorizations to appropriate levels of care and limits on length of stay in residential treatment programs. Our FPS parents experience frustration in accessing residential treatment for their child. For anyone who has significant use issues, a few weeks of residential treatment is just the start of the process of behavior change. Longer lengths of stay would result in better treatment outcomes and better treatment outcomes would result in fewer children entering foster care.

Truancy is another area in which our system could improve. Truancy is usually a symptom of deeper family dysfunction. Truancy at an early age is also a precursor to many other problems that families will face. In our current system, the courts do not address truancy until age 13. By that time the family has tried and failed many other interventions on their own and the child has fallen behind in school and found negative ways to spend his or her time. Truancy cases are some of our most difficult challenges, and while these ingrained habits are hard to overcome, in many instances these children do not need to enter State custody. With earlier identification, FPS can successfully address family functioning issues that lead to truant behavior.

This concludes my testimony and I will answer any questions from the Committee.

**Briefing before House Federal and State Affairs**  
**Continuous Quality Improvement and Child Welfare**  
**March 4, 2010**

**Saint Francis Community Services**

SFCS has a rich history of serving children and families nationwide for over nearly 65 years. In Kansas, we provide a range of services from family preservation, reintegration/foster care, foster care homes, residential services, drug and alcohol services, outpatient behavioral health services and community-based support services. With 19 offices and over 525 full and part-time employees we serve over 4000 children and families in 77 counties in communities that are rural, frontier, semi-urban, and urban. In addition, we provide child welfare services in Oklahoma and developmental disabilities services in Mississippi.

We are here today at the request of the committee and join with the other services providers to offer information about the child welfare system in Kansas. Specifically, we want to emphasize and discuss the number and importance of collaborative relationships within our system of care which are the foundation that ensures system improvement through communication, feedback, and performance improvement projects.

**Client Centered Customer Service**

A child welfare system must address some of the most difficult and stressful conditions that will ever be present within a family unit. The system must be focused on finding solutions to these difficult problems with reason and compassion, while at the same time it has to face the stark reality that not all concerns will be solved to the satisfaction of everyone involved. A child welfare system will always be working with the strong emotional issues that impact the lives of those involved. This must be done within the confines of overlapping systems such as legal statutes, multiple court (s) involvement, and conflicting desired results, and this all must be done within the parameters of the State of Kansas outcomes.

With this in mind, many efforts and services have been put in place by the providers that are aimed at addressing client concerns. We developed a customer care center which is designed for a rapid response and also aimed at giving us feedback of problem areas that are then identified for performance improvement. Along with this testimony is information we provide to clients about access to our customer care center. As you will see, the process builds upon information from multiple systems—SRS/KDHE reviews, risk management reports, reviews by accrediting bodies, client surveys, and state data that tracks outcomes that are critical to problem solving around these human service issues. Those in our customer care center have significant expertise and understanding of the child welfare system and are able to solve problems and bring clarity to those who are faced with difficult decisions. In addition, we have established this department as independent from any direct service in order to maintain as much neutrality as possible in addressing the concerns presented. (Please see attachment 1)

We also understand that members of this committee do receive complaints and concerns from your constituents. Like other service providers we have a public policy advocate ready to

facilitate communication and information so that you are able to make an appropriate decision about the type of response you believe is important for your constituent (s). To help in this process SFCS worked with SRS Children and Family Services to develop a consent form that legislators can use which allows them, with permission from the constituent, to have access to the case file of the constituent. This allows information to be shared that SRS and/or the service provider would otherwise not be allowed to divulge.)

### **Collaborative Partners and Their Role in Permanency**

The ultimate goal in the child in need of care system is permanency. In order for that to be a reality, it takes strong partnerships with other systems that are involved in the child's life once they enter the child in need of care system. SFCS has an extensive network of collaborative partners including, Head Start, Community Mental Health Centers, KU School of Social Services, Community Developmental Disabilities Organizations, schools, courts, domestic violence/sexual assault programs, substance abuse programs, other social service agencies and churches of many denominations.

The court makes the determination that it is in the best interest of the child to be removed from their home. It follows the case to make sure that reasonable efforts were made on behalf of the child, and it finally approves a reintegration plan for the child.

The mental health system, along with the education and community developmental disability organizations, play a critical role in providing the necessary services, supports, and accommodations to fully reintegrate a child and facilitate permanency for the child.

As service providers, SFCS understands how important it is to participate with these key partners and to work closely with them to achieve the best results for children and families. However, we are often challenged by the fact that our outcomes, which are part of our child welfare contracts, are not necessarily the same outcomes as these other systems. This can create confusion between and among the partners who are all working for the best interests of children and families.

### **Recommendations and Observations**

As you have heard consistently from the Secretary and the provider community, we have a very different system today than we did in 1996. The level of accountability and oversight alone has significantly increased the safety, well-being and permanency outcomes for children in the State of Kansas. As the committee continues its hearings we hope you keep the following in mind:

- There are mechanisms in place to provide support for problem solving for customers of our services, and providers are constantly working to positively resolve problems that effect our clients.
- Because of the nature of the overlapping systems, positive outcomes in the child welfare system are contingent on the support of partnerships with key collateral services, such as Mental Health, Education, and Developmental Disability services.

- As state resources come under more and more pressure, we are committed to meeting the critical outcomes of safety, well-being, and permanency and to continuing to provide the important resources necessary to handle client problems in a timely and respectful way.
- We have absorbed a significant 10% Medicaid payment reduction which has effected our residential services, outpatient clinic services, and therapeutic services provided through family preservation while at the same time maintaining critical standards.

As such, we recommend to this committee:

- That legislators periodically be given information from the provider community about the major problems or service gaps that have been identified.
- That careful consideration be given to systemic changes.

*IN CONCLUSION: Given that child welfare brings together conflicting needs from the many different interests involved in any case and that we have developed relationships and staff that allow us to serve successfully as a system, that is reliant on other systems, which are not always aligned with our outcomes; and given that large systemic transitional change can be exceedingly disruptive to the very children and families we seek to serve, **we recommend that the committee give serious consideration to continuing to support the current child welfare system of the State of Kansas, which over the last fourteen years has been remarkably successful.***

Respectfully submitted,

The Very Rev. Edward Fellhauer  
President and CEO  
Saint Francis Community Services

## ST. FRANCIS COMMUNITY SERVICES

### Excerpt from our Customer Care Materials:

Saint Francis Community Services strives for every child and family to experience the best in care and service. Sometimes concerns and questions arise that need to be addressed. To ensure satisfaction and rapid response, Saint Francis has created a **Customer Care Center** designed to strengthen our relationship to the children and families we serve. A Customer Care representative is ready to assist you with your questions or concerns.

### What Our Customer Care Representative will do:

- Listen to your concerns
- Document your call
- Gather relevant information regarding the matter
- Remain neutral and objective
- Help formulate possible resolutions
- Facilitate a discussion or meeting with all parties in an effort to come up with a resolution
- Make recommendations to SFCS Administration
- Give feedback on actions and recommendations to those involved

### Who can express a concern:

Our customer care department can review concerns from a variety of individuals.

- Foster Parents
- The child, if he or she is old enough to explain the concern
- The child's biological parents, primary caregiver, foster parent, adoptive parent or legal guardian
- The child's relative(s)
- An attorney for any of the above
- Mental Health Providers
- School representatives
- Placement Providers
- Other interested parties

### When to contact a Customer Care representative:

- If you have questions about the services you have received from SFCS, please feel free to speak with a staff member about your concerns. Many times, an explanation of an action we have taken is all that is needed to resolve the problem. You have the right to contact Customer Care at any time; however, we would encourage that whenever possible, you start by contacting the assigned staff member in the office in which your case is assigned. Tell him/her about the problem you are having. If you feel that the problem is not resolved to your satisfaction, ask to speak to the staff member's supervisor. If you feel that the supervisor cannot resolve the dispute or you are still unsatisfied with the management of your case you can ask to speak to the Area Director or contact the Customer Care Manger.

Over

How to contact Customer Care:

You may contact our Customer Care representative by phone, fax or mail. You may also download the Customer Care Contact Form and file it online or mail it to us at:

Saint Francis Community Services

Attn: Customer Care

PO Box 1520

509 E. Elm

Salina, KS 67402-1520

Telephone: (866) 671-4735

Fax: (785) 825-5367

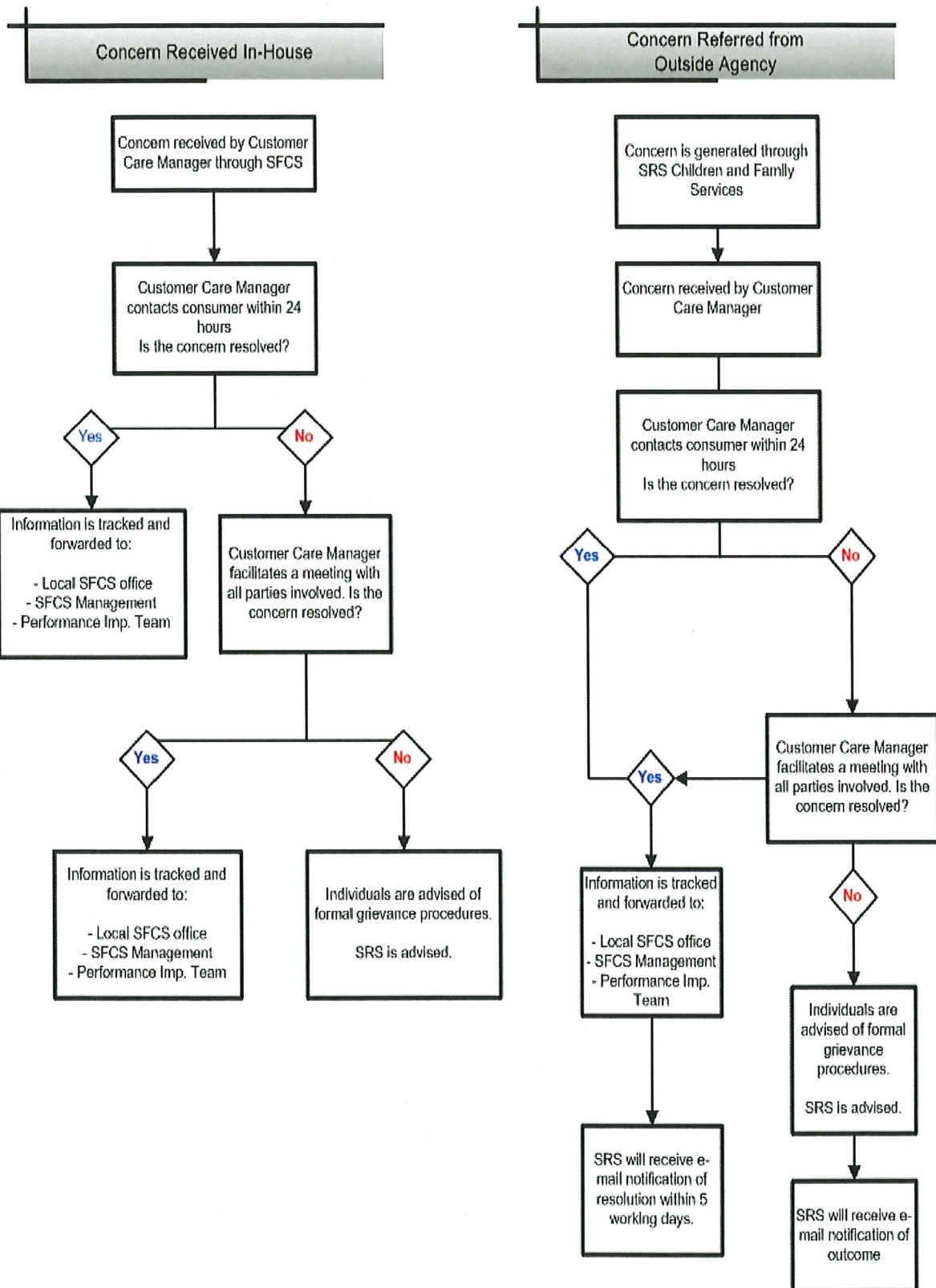
Email: [customer.care@st-francis.org](mailto:customer.care@st-francis.org)

We will ask you for the following information:

- Your name, address, phone number and email address
- A brief description of your concern
- Your involvement with the concern
- Action(s) you are requesting



Saint Francis Community Services, Inc.  
Consumer Response Model



8-5

March 4, 2010

I am the leader here in Kansas of Abuse Freedom United, a national organization. I would like to share with you some of the concerns of many of the citizens of Kansas

Last year the national goal of reunification of a child with a parent or primary custodian was 48%  
The national average of reunification of a child with a parent WAS 52% which exceeded the goal  
Kansas' average of reunification was only 25%  
Sedgwick County's average was even less at 15%

The Privatization contractors and SRS did NOT meet the national goal - as a matter of fact, Kansas brought down the national average with their low reunification numbers.

The failure to meet the national goal was at a tremendous cost to the children & families - emotionally and financially. This failure was at a tremendous cost to the Kansas tax payer who has to match the federal government title-iv funding from Social Security. The federal government then pays a small percentage of the matching funds to the state of Kansas. Less money paid for foster care equals less cost to the taxpayer - the small percentage paid to the state doesn't cover the cost to the taxpayer and the destruction of Social Security.. State or Federal - it's 100% cost to the taxpayer.

In 1998, Kansas welfare agency only complied with 15 percent of requirements.

Per Kansas SRS statistics for 2008: Only 32% were physical abuse cases. 79% were non-abuse cases. Of 27,000 cases, only 2,755 families were offered family preservation (10%) even though the success rate for families who were offered family preservation is 96%. Of the children taken from homes: 59% were placed in foster care. 53% of the children adopted were adopted to foster parents instead of family members. As of 06-30-08, there were 9,187 children in SRS custody in the state of Kansas. Even in unsubstantiated cases, children were removed from their homes. In some cases, parents are told by private contractor caseworkers that their rights are being severed because they will lose their federal grants if they don't.

SRS is double dipping for foster care regarding child support from both parents and the federal government without even following the child support income guidelines. Parents are sometimes charged child support even after receiving their children from state custody or their rights have been severed. SRS is also double dipping by putting foster children on Medicaid when there is private insurance for the children. Children who had never had behavioral problems before being removed from their home, are forced to take mood altering drugs to make them "easier to handle" in the foster care system and this also makes them "special needs" children which makes them eligible for even more federal funds. This drugging of children in foster homes is quite common and typical.

When a caseworker qgi works for private contractors is a foster parent and an adoptive parent, this is a conflict of interest as far their agenda for reunification of families and their children. This is also true when foster families want to adopt the children, their interests do not lie in cooperating with the reunification of the biological family with their child.

KVC, in 2004, received \$24 million from government fees and contracts. In 2005, one year later, KVC received over \$57 million from government fees and contracts, AN INCREASE OF OVER 150% in revenues in one year, all for keeping children from their parents, grand

House Fed & State Affairs

Date: 3-4-2010

Attachment 9

The findings of the Kansas Post Legislative Audit has proven that :

Social workers are being pressured to falsify documents.

Social workers are being bullied into removing children when it's not in the best interests of the child.  
Children & parents are being denied their constitutional rights to a due process hearing within 72 hours.  
Social workers have stated that outcomes are being pre-determined and decisions are being made which are not in the best interest of the child

Protective parents are losing custody of their children. In some cases, the reporting parent of abuse or themselves being the victim of domestic violence, that parent loses custody of their children to the abuser.

Private contractor caseworkers, GAL's and CASA workers confer with each other before hearings and typically their recommendations will be the same. Caseworkers do not investigate cases but use the he said/she said method without evidence and typically show partiality to one family over the other family members. Caseworkers typically try to "pit" one family member against the other, such as a grandparent against the parent or the father against the mother and use custody of the child as an incentive to do so. GAL's do not contact children, investigate independently, do not visit the homes of the parents, per Ks. Statute #38-2205. In some instances, the caseworkers do not report injuries or neglect in foster homes or while the child is in the custody of the parent they show partiality for.. After the parents receive their children from state care, the state remains in control of the children and their parents for six months which causes state interference with parental rights to parent their children and makes it difficult for schools and the parents.

Private contractors and CPS control the families and protect their "veil of secrecy" with intimidation and fear of the parents. Retaliation from CPS and private contractors are typically used to control families' freedom of speech.

Private contractors receive bonuses for adoption of children.

CPS and private contractor caseworkers are forced to sign "confidentiality agreements" that prevent them from testifying against their employer. No one, not even government agencies, should be above the law and immune from prosecution for illegal acts. Working for the police dept. for 14 yrs and the welfare dept. for 3 years, I was never asked to sign a confidentiality agreement.

Even when all family members recommend that the children should be returned to the parents and there is no imminent danger to the children, private contractor caseworkers refuse to take into consideration the family's recommendations and keep children on an average of two years.

Grandparents and other relatives are typically refused adoption or placement even after being approved for adoption or placement. Grandparents and parents are told they are too old and have disabilities.

The veil of secrecy by caseworkers are perpetrated by the parents not having access to reports given to the courts so they may confront their accusers which is afforded them by the U.S. Constitution. Parents are typically told by caseworkers that they are doing fine but then say differently in their reports regarding issues which were not brought to the attention of the parents.

Even when caseworkers falsify documents and commit perjury in court, SRS does not hold them accountable for their actions. Judges typically believe in the caseworkers' reports rather than the parents as the caseworkers are supposed to be "professionals" who should have no reason to lie and keep children from their home for monetary reasons.

There is no agency who monitors or regulates SRS, they investigate themselves when a complaint is made. The powers that be will protect their own. There is no one for parents to turn to that will legitimately investigate their complaints.

Child Welfare League stated that one child raised by a mother costs \$2,300.00 per year, whereas, if the child is raised in a non-family care, it costs \$36,500.00.

AMFOR.NET stated that 50% of homeless youths on the street are runaways from foster care. 75% of all children in foster care have experienced sexual abuse. Average time in foster care 24 months.

ASFA 97 stated that family preservation is not used.

Kansas added privatization in 1997 - they've had 13 years to get it right.  
More children NOT being reunified with the parent which SHOULD have been the goal of these agencies.

A child cries when their mother leaves the room because they are the most insecure and fragile human beings in the world. Even adults who are kidnapped will bond to their kidnapper for survival, just imagine how difficult it is for a child.

Statistics show that Children are more likely to be harmed in foster care:

The American Civil Liberties Union's Children's Rights Project found that a child in the care of the state is ten times more likely to be abused than one in the care of the parents

The National Foster Care Education Project found that foster children were 10 times more likely to be abused than children among the general population.

An Associated Press investigation found that 80 percent of the adults in the correctional facilities "are graduates of the state; the juvenile justice, the child welfare, the mental health and the special education systems."

Statistics show regarding Emotional Abuse of children IN foster care that their rate of Post-traumatic Stress Disorder was double the rate for Iraq War veterans.

Kansas added privatization in 1997 - they've been formed for 13 years.. Since 1997, parents, judges, caseworkers, and legislators have notified the state of Kansas about the failure of the privatization of SRS but nothing of significance has been done.

It's time for a change - no more excuses

More children are NOT being reunified with the parent which SHOULD have been the goal of these agencies. SRS holds the contract with these agencies - they are also to blame for allowing the abuse of the rights of children and parents to continue.

What is happening here in Kansas is "child trafficking". By United Nations law: "The state knowingly removes children with falsified documents for foster care or adoption. The state knowingly places a child in the home or foster home of individuals that have been reported for physical and/or sexual abuse." A child is a person under the age of 18. Traffic is transfer, harboring, or receipt by a third person or group who organizes movement within a country. Threat or use of force or other forms of coercion, abduction, fraud or deception, or the abuse of power at any point of the movement do not need to be present in case of children, but are striking indications of child trafficking. Trafficking protocol statute prohibits the "buying, selling, or bartering" of a person for money or any other consideration. It also prohibits certain specific actions that "promote, facilitate or induce the buying,

selling, or bartering or placement in adoption of any person for money or any other consideration.

Per 1974 Mondale Act, by seizing children illegally in violations of the Title IV-E requirements, then filing false documents in secrecy through the courts to obtain federal funding, according to the government accountability office, this is defrauding the federal government with intent.

Any illegally obtained funds and perjury, obstruction of justice, and the fraudulent collection of federal funds under the false statements and the accountability act of 1996, P.L. 104-292110 stat 3459, 42U.S.C.S. 670-679A:P.L.96-272:C.FRCFR part 1356:Title IV-E, could be connected to the RICCO ACT.

Please see attached. *Please support bill # 2461.*

*Judge Burgess from Wichita stated that the reason judges don't give children to grandparents automatically is because if the grandparents parented "the bad parents", then the grandparents were automatically assumed to be "bad parents" also.  
private contractors make \$800,000.00 a month base.  
plus \$1,500.00 per child per month*

Renewal of the non-profit privatization contractors contracts with a \$386 million dollar budget deficit. What was Don Jordan thinking?

[http://www.srskansas.org/CFS/FCcontractratesSFY2010\\_2013.pdf](http://www.srskansas.org/CFS/FCcontractratesSFY2010_2013.pdf)

The Non-Profits TFI=The Farm KVC= Kaw Valley STF= St Francis UMY= (United Methodist) Youthville

SFY 2010 through SFY 2013 Region Foster Care Contract Rates

Region Contract Rate	FY 2010	FY 2011	FY 2012	FY 2013
R1 TFI Base	\$596,903.00	\$608,841.00	\$624,062.00	\$639,664.00
Variable	\$1,483.00	\$1,503.00	\$1,526.00	\$1,548.00
R2 KVC Base	\$800,000.00	\$812,000.00	\$828,000.00	\$849,000.00
Variable	\$1,510.00	\$1,533.00	\$1,564.00	\$1,603.00
R3 TFI Base	\$723,090.00	\$741,167.00	\$759,696.00	\$778,688.00
Variable	\$1,444.00	\$1,459.00	\$1,481.00	\$1,503.00
R4 STF Base	\$982,000.00	\$999,970.00	\$1,022,470.00	\$1,045,480.00
Variable	\$1,578.00	\$1,608.00	\$1,644.00	\$1,681.00
R5 UMY Base	\$914,433.00	\$937,293.00	\$965,412.00	\$994,375.00
Variable	\$1,499.00	\$1,536.00	\$1,582.00	\$1,630.00

Payments are made retrospectively on the third business day following the

month of service. There are two types of payments. A base payment is made each month to cover the contractor's fixed costs. This payment is independent of the caseload. There is also a monthly case rate paid for each child in out-of-home placement on the last day of the previous month. The table shows the applicable rates for the 4 contract years. Payments cease (no payment will be made) for the service month in which one of the following events occurs

- A) The child is reintegrated with their family, i.e., returns to their home.
- B) The child achieves finalization of adoptive placement.
- C) The child is placed in permanent custodianship.
- D) The child is transferred to JJA (This action nullifies the 12 month aftercare requirement).
- E) The child is transferred to tribal custody (This action nullifies the 12 mo. aftercare req.)
- F) The child is released from SRS custody for other reasons not specified above.

Payments cease (no payment will be made) for the service month in which one of the following events occurs.

CEO of Youthville, Shelley Duncan went from a \$90,000 income including benefits to \$200,000 in four years. Shelley Duncan earnings & benefits plus perks equal \$200,000 a year. Shelley earned \$704,858 in years 2003 - 2007!

Example:

CEO of Youthville Shelley Duncan, these wages were collected from Guidestar

YEAR	SALARY + BENEFITS = WAGES
2003	\$86,810 + \$4,341 = \$91,951
2004	\$97,259 + \$4,863 = \$102,122
2005	\$149,111 + \$6,695 = \$155,806
2006	\$155,326 + \$12,585 = \$167,911
2007	\$167,706 + \$19,362 = \$187,068

DUNCAN MADE OVER \$704,000 IN 5 YEARS

at this rate Duncan's 2010 SALARY COULD BE AROUND \$240,000 PLUS

Look at some of the other incomes and expenses.

Youthville 2003

<http://www.guidestar.org/FinDocuments/2004/480/543/2004-480543712-01ac94e0-9.pdf>

Youthville 2004

<http://www.guidestar.org/FinDocuments/2005/480/543/2005-480543712-0218d9bc-9.pdf>

Youthville 2005

<http://www.guidestar.org/FinDocuments/2006/480/543/2006-480543712-02d88836-9.pdf>

Youthville 2006

<http://www.guidestar.org/FinDocuments//2007/480/543/2007-480543712-049bd5ef-9.pdf>

Youthville 2007

<http://www.guidestar.org/FinDocuments//2008/480/543/2008-480543712-04bfe394-9.pdf>

Kaw Valley Year 2006

<http://www.guidestar.org/FinDocuments/2007/480/770/2007-480770308-046dc0bf-9.pdf>

Kaw Valley Year 2005

<http://www.guidestar.org/FinDocuments/2006/480/770/2006-480770308-0332dfe8-9.pdf>

Kaw Valley Year 2004

<http://www.guidestar.org/FinDocuments/2005/480/770/2005-480770308-0226bd01-9.pdf>

The Farm...Year End 2007

<http://www.guidestar.org/FinDocuments/2007/480/806/2007-480806277-04857826-9.pdf>

The Farm...Year End 2006

<http://www.guidestar.org/FinDocuments/2006/480/806/2006-480806277-02db1df1-9.pdf>

The Farm...Year End 2005

<http://www.guidestar.org/FinDocuments/2005/480/806/2005-480806277-0203b887-9.pdf>

<http://www.nccpr.org/reports/kansas.pdf> page 24 In a rebuttal to NCCPR's op ed, Ron Paschal wrote: "...the district attorney's office reviews all cases in which children are taken into police protective custody. In collaboration with law enforcement, the Kansas Department of Social and Rehabilitation Services and other service providers, alternatives to filing child-in-need-of-care cases were found in about 80 percent of all of these cases. This means that in the majority of the number of cases, the child was safely returned home or placed with a nonoffending family member while the case was resolved."<sup>53</sup> The implications of this admission are staggering. For starters, it means that the real rate at which children are torn from their homes in Sedgewick County is five times the official rate, since those 80 percent of instances in which the child goes home before the petition is filed never appear in SRS figures on entries into care. (This statement is by Richard Wexler - NCCPR - National Coalition for Child Protection Reform)

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

## MISCELLANEOUS INFORMATION

1. A child is not as resilient as some people might try to make you believe. They are fragile little human beings who are affected tremendously by any removal from their family where they feel safe and loved. Only in extreme situations where the child is in imminent danger, should that child be removed from the bond of their parent.
2. Removal of a child makes the child angry, insecure, destroys their self esteem and self-worth scar the child emotionally for the rest of the child's lives.
3. Dr. Wolf testified that disruptions in the parent-child relationship might provoke fear and anxiety in a child and diminish his or her sense of stability and self. He described the typical response of a child separated from his parent: When a young child is separated from a parent unwillingly, he or she shows distress...at first, the child is very anxious and protests vigorously and angrily. Then he falls into a sense of despair, through still hyper diligent, looking, waiting, and hoping for her return..."a child's sense of time factors into the extent to which a separation impacts his or her emotional well-being. Thus, for younger children whose sense of time is less keenly developed, short periods of parental absence may seem longer than for older children. For those children who are in homes and where there is domestic violence, disruption of that bond can be even more traumatic than situations where there is no domestic violence. Dr. Stark (he is from Yale New Haven Hospital researcher) asserted that if a child is placed in foster care as a result of domestic violence in the home, then he or she may view such removal as a traumatic act of punishment...and (think) that something that (he or she) has done or failed to do has caused this separation. Dr. Pelcovitz stated that taking a child whose greatest fear is separation from his or her mother and in the name of "protecting that child" by forcing on them, what is in effect, their worse nightmare,...is tantamount to pouring salt on an open wound. Another serious implication of removal is that it introduces children to the foster care system, which can be more dangerous and debilitating than the home situation. Dr. Stark testified that foster homes are rarely screened with a presence of violence, and that the incidence of abuse and child fatality in foster homes is double than that in general population. Children in foster care often fail to receive adequate medical care. Foster care placement can disrupt the child's contact with community, school and siblings. Dr. Pelcovitz stated that "taking a child whose greatest fear is separation from his or her mother and in the name of "protecting" that child (by) forcing on them, what is in effect, their worse nightmare, ...is tantamount to pouring salt on an open wound. The parent also feels the same trauma.
4. A child may adjust to its environment only as self-preservation, such as a person who is kidnapped can sometimes adjust and relate to the kidnapper, even though this puts the child in an unhealthy situation.
5. The first 3 yrs. Of a child's life is the most important.
6. Children are 6 times more likely to die in foster care than in their home.
7. Only 2% of foster children go onto college.
8. One child was in 21 foster homes in 4 yrs.
9. 78% of people in jail, have at one time or another, had contact with foster care.
10. Children are a commodity to CPS and their contractors.



11. Removal of a child when that child is NOT in immediate danger, violates the 14<sup>th</sup> amendment. The 5th Amendment ( The constitution and the Bill of Rights were written to protect the people from the government, not to protect the government from the people. And within those documents, the people have the constitutional right to hold the government accountable when it does deny its citizens their rights under the law even if it is CPS, the police, or government agency, or local, state, or federal government.)
12. It takes only five minutes to check in Alert to see if a family member has any criminal record locally, check the family's home and then give the child to that family member, then later do a more extensive KBI background check. This will keep the child in its familiar family environment and will not traumatize the child.
13. CPS and "the professionals" do not treat all family members the same or fairly, there is prejudice from the beginning. Predetermined agendas are put into place and carried out.
14. The handful of court appointed attorneys that the court even recommend are so afraid of the court that they will not fully represent their client. They know that their paycheck is coming from the court and not who they represent. This is a conflict of interest for the attorney and each time they will always side with the court , as that is who pays their salary and gets them these jobs. This type of attorney picking should be banished as it promotes dishonesty and is failure to properly represent their clients.

Statutes violated: 21-3422 interference w/parental custody

21-3422a aggravated interference w/parental custody

21-3608 Endangering a Child

21-3612 Crimes affecting family relationships & children, contributing to  
A child's misconduct or deprivation.

21-3805 Perjury

21-3832 Intimidation of witness or victim.

21-3833 Aggravated Intimidation of Witness or Victim

21-3843 Violation of a Protective Order

21-3902 Official Misconduct

21-4004 Criminal Defamation

38-1522 (New 38-2223-38-2229) Reporting of certain abuse or neglect of  
Children; persons reporting, reports, made to whom, penalties  
For failure to report or interference with making of a report.

38-1555 (New 38-2250) Degree of proof

38-2223 Reporting of certain abuse or neglect of children, persons reporting  
, reports, made to whom, penalties, immunity from liability.

54-105 Falsifying oaths or affirmations

75-4309 Same, falsifying oaths or affirmations

What CPS receive from each case:

1. Federal funds that escalate with the child's age, how long the children are kept in foster care and in state custody, etc.

2. Child support from both parents.
3. Medicaid funds
4. Other federal funds when a child is a "special needs" child.
5. Increased budget for the following year.

What foster parents receive:

1. Up to \$2,000.00 per child.
2. Daycare for the child
3. Medicaid pays for the child's insurance.
4. The child is a tax deduction even though the foster income is not taxable.
5. Clothing allowance
6. WIC
7. Entertainment vouchers
8. CPS/government pays for any babysitters when foster parents want a break or go on vacation without the foster child.

Return of Organization Exempt from Income Tax

2004

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

Open to Public Inspection

Department of the Treasury Internal Revenue Service

The organization may have to use a copy of this return to satisfy state reporting requirements

A For the 2004 calendar year, or tax year beginning 7/01, 2004, and ending 6/30, 2005

- B Check if applicable: Address change, Name change, Initial return, Final return, Amended return, Application pending

Please use IRS label or print or type See specific instructions

KVC BEHAVIORAL HEALTHCARE, INC 21350 W 153RD STREET OLATHE, KS 66061-5413

D Employer Identification Number 48-0770308 E Telephone number F Accounting method X Cash Accrual Other (specify)

Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

- H and I are not applicable to section 527 organizations H(a) Is this a group return for affiliates? H(b) If Yes, enter number of affiliates H(c) Are all affiliates included? H(d) Is this a separate return filed by an organization covered by a group ruling?

G Web site: N/A

J Organization type (check only one) X 501(c) 3 (insert no) 4917(n)(1) or 527

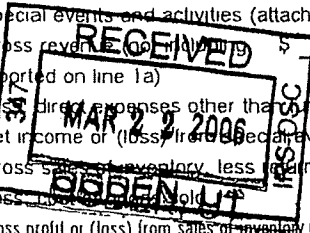
K Check here if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS, but if the organization received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return.

I Group Exemption Number M Check if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990 PF)

L Gross receipts Add lines 6b, 8b, 9b, and 10b to line 12 26,301,597.

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See Instructions)

Table with columns for Revenue, Expenses, and Net Assets. Rows include: 1 Contributions, gifts, grants, and similar amounts received; 2 Program service revenue including government fees and contracts; 3 Membership dues and assessments; 4 Interest on savings and temporary cash investments; 5 Dividends and interest from securities; 6a Gross rents; 6b Less rental expenses; 6c Net rental income or (loss); 7 Other investment income; 8a Gross amount from sales of assets other than inventory; 8b Less cost or other basis and sales expenses; 8c Gain or (loss); 8d Net gain or (loss); 9 Special events and activities; 9a Gross revenue; 9b Less direct expenses; 9c Net income or (loss); 10a Gross sales of inventory; 10b Less cost of inventory; 10c Gross profit or (loss); 11 Other revenue; 12 Total revenue; 13 Program services; 14 Management and general; 15 Fundraising; 16 Payments to affiliates; 17 Total expenses; 18 Excess or (deficit) for the year; 19 Net assets or fund balances at beginning of year; 20 Other changes in net assets; 21 Net assets or fund balances at end of year.



SCANNED APR 12 2006

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Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

The organization may have to use a copy of this return to satisfy state reporting requirements.

Open to Public Inspection

Department of the Treasury Internal Revenue Service

A For the 2005 calendar year, or tax year beginning 07/01, 2005, and ending 06/30/2006

B Check if applicable: Address change, Name change, Initial return, Final return, Amended return, Application pending. C Name of organization: KVC BEHAVIORAL HEALTHCARE, INC. D Employer identification number: 48-0770308. E Telephone number: (913) 322-4932. F Accounting method: X Cash, Accrual.

Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

H and I are not applicable to section 527 organizations. H(a) Is this a group return for affiliates? No. H(b) If "Yes," enter number of affiliates. H(c) Are all affiliates included? No. H(d) Is this a separate return filed by an organization covered by a group ruling? No.

G Website: N/A

J Organization type (check only one): X 501(c)(03), 4947(a)(1) or 527

K Check here if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS, but if the organization chooses to file a return, be sure to file a complete return. Some states require a complete return.

I Group Exemption Number

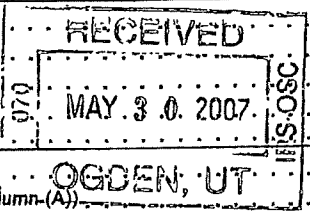
M Check if the organization is not required to attach Sch B (Form 990, 990-EZ, or 990-PF)

L Gross receipts Add lines 6b, 8b, 9b, and 10b to line 12: 60,038,906.

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions.)

SCANNED JUL 17 2007 Revenue

Table with 21 rows for Revenue, Expenses, and Net Assets. Revenue total: 60,025,158. Expenses total: 59,302,788. Net Assets total: 11,389,970.



For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.

Form 990 (2005)

Handwritten notes: 9-11 46 15



# KANSAS

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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## Children and Family Services

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### Data & Reports 2008

(July 1, 2007 - June 30, 2008)

June 2008 Children & Family Services  
Review  
Executive Summary  
Final Report

Data & Reports FY2006  
Data & Reports FY2007

Program Data  
SFY 1997-2007 & FFY 1995-2007

### Portraits

#### FY 2008

- Executive Summary
- FY 08 Reintegration Referral Summary
- Reintegration/Foster Care Caseload Projections
- Core Information by Judicial District
- FY 2008 Service Participant Information
- Child Welfare Community Based Service Outcome Indicators
- CFS Child Welfare Community Based Outcome Reports

### FY 2008 Service Participant Information

#### Child In Need of Care Intake Information

- ▶ Statewide, the total number of reports received is 53,888.  
[Current Report](#)
- ▶ Statewide, 51% of reports are assigned.  
[Current Report](#)
- ▶ Statewide, the top 3 maltreatment type involved in assigned reports are physical abuse (32.7%), physical neglect (16%), and lack of supervision (18.2%).  
[Current Report](#)
- ▶ Statewide, 78.8% of assigned reports involve the non-abuse

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neglect presenting situations without proper control.  
Current Report

▶ Statewide, 95.8% of assigned Child in Need of Care reports had a timely Safety Determination.  
Current Report

▶ Statewide, 97.3% of children did not experience recurrent maltreatment.  
Current Report

### Investigative Findings

▶ Statewide, 92.1% of reports assigned for an investigative findings are unsubstantiated.  
Current Report

### SRS Family Services

▶ Statewide, an average of 34 SRS family services cases are initiated.  
Current Report

▶ The most frequent presenting reasons involved in a family services case is non abuse/neglect.  
Current Report

### Family Preservation (FPS) In Home Services

▶ Statewide, there have been 2,755 referrals for Family Preservation Services.  
Report by county or Report by region. (~~Report by county~~)

▶ 'Without Proper Control' is one of the most frequent presenting reasons involved in a family preservation case.  
Current Report

### Children Served in SRS Custody

▶ Statewide, there have been 7,075 children in SRS custody on 06/30/08.  
Current Report

▶ Year to date, 9,187 children have been in out of home placement. On 06/30/08 there were 5,630 children in out of home placement.  
Current Report

▶ The most frequent maltreatment removal reason into foster care is "Physical Abuse".  
Current Report

▶ The contract regions with the greatest percentage of children

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placed with a relative are Regions 1 & 3. Statewide, 25.34% of children are placed with relatives. Statewide, 8.12% are placed in group or residential care.  
Current Report

\* 59% of Children in Out of Home Placement were placed in a Foster Family Placement on 06/30/08, which reflects the most current report.

Jul Aug Sept Oct Nov Dec Jan Feb Mar Apr May  
June

\* Statewide the number of children awaiting adoption on 06/30/08 was 871. Children considered as awaiting adoption have had parental rights terminated on both parents, have a permanency goal of adoption, and are not yet placed in a pre-adoptive home placement.  
Current Report

\* The average length of time in placement for all children who have exited care this year is 18.8 months.  
Current Report

\* 57.53% of children have goal of reintegration.  
Current Report

\* See more about gender, age, race, ethnicity, and provider assignment.

### Finalized Adoptions

\* Statewide, there have been 712 adoptions finalized.  
Current Report

\* 53% of children have a foster parent as their adoptive resource.  
Current Report

### CFS Child Welfare Community Based Outcome Report

#### Children Thrive

#### Maltreatment After Family Preservation (90 Days)

Standard: 96% of children will not experience maltreatment during 90 days of being engaged in Family Preservation Services.

FY to date: 99.4%

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Current report

**Maltreatment After Family Preservation (365 Days)**

Standard: 96% of children will not experience maltreatment between engagement in Family Preservation Services and 365 days following referral..

FY to date: 97.2%

Current report

**Children Remain Safe In OOH placement**

Standard: 99.68% of children in OOH placement do not experience a maltreatment incident by a resource family or employee at a facility.

FY to date: 99.91%

Current report

**Maltreatment After Permanency**

Standard: 95% of children are safe following reintegration, adoption finalization, or guardianship.

FY to date: 98.6%

Current report

**Maltreatment After Permanency (Adoption Contract Only)**

Standard: 95% of children are safe following adoption finalization.

FY to date: 98.5%

Current report

**Connections With Community**

Standard: 75% of children in OOH placement reside in a location that promotes continuity of family relationships and community connections.

FY to date: 59.1%

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Current report

**Positive Role Model**

Standard: 93.4% of children discharged from custody for reason other than reunification, guardianship, adoption, or transfer to another agency leave with at least one positive adult role model.

FY to date: 98.2%

Current report

**Families & Individuals Live in Safe, Stable & Supportive Environments**

**Families Are Engaged (Family Preservation)**

Standard: 95% of families and children referred for case management services have case plans completed within 20 calendar days of referral date.

FY to date: 91.9%

Current report

**Families Are Engaged (Reintegration Foster Care)**

Standard: 95% of families and children referred for case management services have case plans completed within 20 calendar days of referral date.

FY to date: 79.5%

Current report

**Placement Stability**

Standard: 86.7% of children in OOH care experience no more than 2 placements in the first twelve months of OOH placement.

FY to date: 76.1%

Current report

**Timely Reunification**

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Standard: 76.2% of children released from custody for reason of reunification will be released from custody within 12 months of removal into care.

FY to date: 57.3%

Current report

**Timely Adoption**

Standard: 32% of children discharged from custody for reasons of adoption will be released from custody within 24 months of removal into care.

FY to date: 30.7%

Current report

**Timely Permanency Hearings**

Standard: 95% of children in SRS custody will have timely permanency hearings.

FY to date: 88.0%

Current report

**Permanency Goal Meets Childs Needs**

Standard: 95% of children in SRS custody will have case plan permanency goals that meet their needs.

FY to date: 98.4%

Current report

**Stable Permanency (Federal and Contract Measure)**

Standard: 91.4% of children released from custody will not re-enter custody within 12 months of release date.

FY to date: 93.9%

Current report

**Identified Resource (Adoption Contract Only)**

9-17

Standard: 30% of children will have an identified resource within six months of request for service.

FY to date: 13%

Current Report

**Families & Individuals Achieve Maximum Self-Sufficiency**

**Placement in Family Like Setting**

Standard: 90% of children in out of home placement are placed in a family like setting.

FY to date: 91.7%

Current report

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## COMMON UNETHICAL BEHAVIOR BY CASEWORKERS, CASA, GAL, & COURT YSTEM

1. Do not investigate thoroughly or appropriately before taking children.
2. Usually remove children just before a holiday or a weekend, to prevent families from going into court and getting their children back.
3. Choose one side of the family and typically allow that family member to do anything they want but the other family member, whom they are targeting, can never do anything right or to their satisfaction.
4. Turn husband against wife, mother against daughter, family member against family member.
5. Encourages fathers to divorce their wives if they do, the fathers can have the child.
6. Making "deals" with family members for evidence against the targeted parent.
7. Take information or innuendos without evidence or proof of fact, not contacting the targeted parent, but, using this unsubstantiated information as fact and evidence in court against the targeted parent.
8. Tampering with witnesses, influencing them on their testimony and their supportiveness of the parent.
9. Parents do EVERYTHING on their reintegration plan, but do not get children back and their rights are terminated.
10. Tell parents they are doing fine, but in court say the opposite.
11. Advise parents on how to handle situations but then turn the information around to use against them in court, i.e., tell parent to go to counseling and then say no, wait, and then use it against that parent in court that they are not cooperating.
12. NO FAMILY PRESERVATION (DCCA) TO FAMILIES. When it is listed in the case plan, they frequently don't even bother contacting the family preservation agencies.
13. DO NOT tell parents that they have a right NOT to sign any paperwork they don't agree to.
14. They tell parents and families that signing a Family Plan is not saying you agree with it, but showing you were at the meeting.
15. Retaliation for any complaints against the "professionals" by changing their visits with their child and sometimes even reducing the visits the parents have with their child.
16. RETALIATION!!!
17. Sending children automatically to foster homes when there are willing families who have been approved and even when the judge has ordered family placement.
18. Caseworkers not being licensed when they participate in a case. Frequently, they do not have on-site supervision from a supervisor.
19. Pressure parents to sign documents which allows the caseworker full control over the child when the caseworker has not explained their rights to them or what the documents mean.
20. Even though the parent is doing everything on the case plan and has proven they have rectified the situation, the caseworker will stretch the case out to at least 6 months, for the bonus federal funds. In most cases, the caseworker will keep the case open as long as a judge will allow even if the parent has rectified the situation and done everything on the family plan.
21. Target low income or families receiving government assistance or families running into temporary hard times. They know the families can't afford to fight them.

22. Falsify documents and evidence, witness tampering, stating facts without evidence, committing perjury, not following the letter of the law, and commonly practicing personal bias and prejudices.
23. Medicaid insurance is commonly used even when there is private insurance for the child, provided by parents.
24. Common and frequent use of mood altering drugs to make it easier to handle these children without the children's former pediatrician or the parents' permission.

MARCH 1, 2010

TO: FEDERAL AND STATE AFFAIRS COMMITTEE MEMBERS

KANSAS STATE HOUSE  
300 SW TENTH ST  
TOPEKA KS 66612

HONORABLE CHAIRMAN, MELVIN NEUFELD  
HONORABLE VICE CHAIRMAN, MIKE KIEGERL

HONORABLE COMMITTEE MEMBERS AS FOLLOWS:

LISA BENLON  
ELAINE BOWERS  
ANTHONY BROWN  
STEVE BRUNK  
RICHARD CARLSON  
ROCKY FUND  
BOB GRANT  
BRODERICK HENDERSON  
JOHN HILL  
MITCH HOLMES  
STEVE HUBERT  
FORREST KNOX  
JUDITH LONGANBILL  
CONNIE O'BRIEN  
ROBERT OLSON  
MIKE PETERSON  
LOUIS RUIZ  
DALE SWENSON  
ANNIE TIETZE

FROM: ANNETTE SNEARY ON BEHALF OF HER FAMILY: LARRY SNEARY  
AND KATLYN SNEARY

SUBJECT: REMOVAL OF PRIVATIZED CONTRACTORS AND OTHER COURT  
RELATED INFORMATION OF WASTE, MISUSE AND FRAUDULENT  
ACTIVITY OF TAX BASED STATE FUNDED MONIES

CONTACT INFORMATION FOR ANNETTE AND LARRY SNEARY:

525 EAST FIFTH ST  
STRONG CITY KS 66869-9776  
HOME TELEPHONE NUMBER: (620) 273-7022 with voice message  
recorder

House Fed & State Affairs

Date: 3-4-2010

Attachment 10

As a native Kansan, I can affirm my family and or family descendants have paid taxes in the State of Kansas for over 150 years as both my great-grandfathers homesteaded in Butler County. I am writing this letter to inform legislature of the ongoing waste and fraudulent misuse of our taxpayer's money in the Courts of Butler and Sedgwick County as I have personally experienced litigation on my stepdaughter's custody issues for over six years. I hope this information will assist in preventing further misuse of tax based monies as well as ending the injustices of removing children unlawfully from a familial home without due process of the law.

I feel SRS case workers and other professionals involved with child custody, have too much control and power in determining the child's placement especially from a non-offending parent as in my stepdaughter's case. Children are being illegally removed from familial homes based from NO CLEAR AND CONVINCING EVIDENCE. We feel our stepdaughter was placed with the maternal grandmother because we tried to protect her from abuse. Kansas Code of Child In Need of Care Law and Constitutional Law should be strictly adhered to in regards to placing a child with a third party versus a natural parent or in State custody. In our case these laws were knowingly and willfully disregarded by the Case Manager, the Child's therapist, Guardian Ad Litem, CSO and both Judges. SRS and EMCU failed to properly investigate reports of abuse. The child's therapist and the case manager also did not report abuse or properly investigate. This conspiracy tampered evidence to place our child with her maternal grandmother instead of with her natural parent/father.

I also think any employee or professional involved with the legal system through the Courts should be required to submit to random alcohol and drug testing along with mandatory psychological evaluation testing. This testing should be done at their expense and also done by a disinterested agency to verify an untainted result. If any test would come back as a failed result then the employee should be terminated. These professionals order requirements in CINC cases and other cases so they should be required to do the same testing. This would eliminate unethical and incompetent employees and yield the way for a more efficient and productive employee thus saving taxpayer dollars as the whole system would be more productive and there would not be a need to keep creating more positions to get the work done. This type of testing would also help eliminate liability of errors created by unethical employees. This idea has been implemented by several business corporations and other places in government so why not implement these practices in our State government.

I personally know of five former Kansas residents; two individuals and three families who moved out of this State because of the legal abuse and intimidation by the Judges in Butler and Sedgwick County. My family relocated (as per advice from our then treating psychologist) from Butler County the year of 2005 for the same reasons others moved from the State. This was an extremely difficult decision for me as my family ties have always been in Butler County. I would like to continue to reside in the State of Kansas but have considered relocating out of State due to the legal abuse I have endured with my stepdaughter's custody issues. Kansas is not only losing long time residents but the tax dollars of former residents when they resided in Kansas.

As a native Kansas resident and taxpayer, I feel the privatized contractors such as YOUTHVILLE, KVC, THE FARM/TFI and any other court appointed contractors practices should be abolished. It appears these contractors conspire to remove children to keep the guaranteed monies from State funding thus their motives seem to be about the money and not the best interest of the children. SRS, CPS and other therapist's are also motivated by their guaranteed paycheck instead of doing what is best for the children. Judges and District Attorneys also pressure ethical case workers to falsify documents and testimony to place the children in State custody and send them to foster care. This is a normal and common practice in Sedgwick County. The Guardian Ad Litem is being paid \$80.00 an hour but in our case she never gathered information from myself, Larry (the natural father), our attorney or any therapist involved on the Sneary side. She also did not ever talk with the child and was the assistant for the maternal grandmother's attorney as she sat with them and asked questions for their side. Some of these questions were irrelevant to the child placement. These questions were also repetitious of the maternal grandmother's attorney.

The State of Kansas is losing tax base dollars of former residents because of the legal abuse system which involve SRS, YOUTHVILLE, KVC, THE FARM, TFI, EMCU and other court appointed case managers as in our case. This illegal practice of not following constitutional law and Kansas Code for Care of Children needs to cease. There needs to be punishment of all court personnel (including Judges) of these illegal practices. The liability of these incompetent personnel is significant as it should be a grave concern for the retribution.

I am a parent of two adult children residing in Kansas but my stepdaughter is residing with her maternal grandmother versus being parented by her natural parent/legal stepmother. Since the maternal grandmother obtained legal custodianship we have not been allowed to have any type of visitation or contact with our daughter/stepdaughter. We have not seen her since April 7th, 2009, because of the unlawful and illegal practices stated above and have been totally alienated from her life based on NO CLEAR AND CONVINCING EVIDENCE according to the laws.



IN THE INTEREST OF K.S. LARRY AND ANNETTE SNEARY  
MISUSE AND WASTE OF TAXPAYER'S MONIES INVOLVED IN OUR  
LEGAL CASES IN BUTLER AND SEDGWICK COUNTIES:

BUTLER COUNTY: Child Custody Investigation when mother already substantiated for child neglect and in treatment for substance abuse. Court administrator was paid for said investigation that was over six months and should have been terminated or not ordered in the first place.

Excessive hearings caused by motions from the mother. Whenever there is a hearing court personnel are paid. Any ridiculous motion was heard on behalf of the mother.

Case management was not necessary as the mother was still physically and mentally unable to parent their daughter. Court personnel were paid to hear and process orders of the case manager.

SEDGWICK COUNTY: Guardian ad Litem was paid \$80.00 per hour and did not follow her administrative guidelines. She did not attempt to procure the testimony and information from the father's side nor did she ever talk to the child. The guardian ad litem was the maternal grandmother's attorney's assistant not on the behalf of the child.

Court appointed attorney for the mother even though this was a PRIVATE CINC case. A PRIVATE CINC petition should require the petitioner to pay for any court appointed expenses in my opinion. The father and stepmother paid for all of their court ordered expenses brought forth by the maternal grandmother so she should have paid for the guardian ad litem and mother's attorney.

Said grandmother received money from the State for having the child in her custody during the duration of CINC case and still received money for the child including the monies from the natural mother. The Court placed the child with the maternal grandmother but in SRS funding? This seems illegal and definitely double dipping in our opinion.

Excessive hearings which means Court personnel is on the payroll for an illegal CINC case filed private by the maternal grandmother.

LARRY AND ANNETTE SNEARY'S EXAMPLES OF ACTUAL COSTS OF COURT ORDERED REQUIREMENTS:

Attorney Fees from January 2004 through April 2006

\$15,000.00

November 2005 Psychological Evaluation Fees:

Larry \$450.00  
Annette \$450.00

Case Management Fees:

Counseling & Mediation Center \$5,000.00  
July 2006 to February 2008

Therapeutic visitation with Katlyn Sneary

October 2006 to April 2007 \$2,000.00  
\*February 2008 to April 2009 \$5,000.00

\* March 2008 to April 2009 was during the litigation of the illegal CINC case.

Updated Psychological Evaluation for Snearys in 2008

Larry April 2008 \$225.00  
Annette June 2008 \$225.00

Sedgwick County did not accept either evaluation and ordered Larry and Annette Sneary to complete another one.

Larry Sneary Psychological Evaluation  
October 2008 \$959.00

Annette Sneary Psychological Evaluation  
October 2008 \$959.00

Counseling fees for Larry and Annette Sneary total over \$3,000.00 from 2004 through 2006. Annette quit going to counseling as two counselors resigned their services because they refused to testify in the Sedgwick County Courts. Both counselors were from Wichita. Does this tell you about the Courts? Other counselors were not professional and the Snearys had felt they were unethical. The reason the counseling fees are low is the Snearys had insurance during 2004 and 2005. We also had a nice home valued at \$60,000.00 and careers. Everything is gone including our careers of construction and real estate.

Appellate Court Litigation: \$6,000.00

**Addendum to Testimony for State of Kansas  
Joint Committee on Child Welfare and Children's Issues  
March 4, 2010**

**As my testimony on March 3, 2010 was cut short by time constraints, I request to add the attached documents to my testimony:**

**OPENING CHILD WELFARE PROCEEDINGS IN THE FAMILY COURT OF THE DISTRICT OF COLUMBIA: "SUNSHINE IS GOOD FOR CHILDREN"**

**Re: B-18-344, Information Sharing To Improve Services For Children and Families Act of 2009**

**I ask that you go to the site of Matthew I. Fraidin, Associate Professor of Law, University of the District of Columbia, David A. Clarke School of Law, 4200 Connecticut Avenue, N.W. Washington, D.C. 20008**

**At his site : mifraidin@yahoo.com, please read the information he shared with The District of Columbia Council, Committee on Public Safety and The Judiciary , November 4, 2009**

**I herein include the document: MYTHS THAT PLACE CHILDREN AT RISK DURING CUSTODY DISPUTES**

**BY STEPHANIE J. DALLAM, RN, MS, FNP  
AND JOYANNA L. SILBERG, Ph.D, 2005**

- SINCE I WAS NOT GIVEN FULL TIME TO GIVE MY TESTIMONY NOR TO ANSWER YOUR QUESTIONS, PLEASE DO CONTACT ME IF YOU WISH .**
- I TRULY THANK YOU FOR TAKING ON SUCH A DAUNTING TASK AS I BELIEVE THIS IS OF VITAL IMPORTANCE TO CHILDREN AND FAMILIES IN KANSAS.**

**Please accept my sincere appreciation,  
Dr. Frankie Summers**

House Fed & State Affairs  
Date: 3-4-2010  
Attachment 11

**“Publicity is the very soul of justice... It keeps the judge himself, while trying, on trial.”**

--- Jeremy Bentham (1790)

**“Participants in secret proceedings quickly tend to lose their perspective, and the quality of the proceedings suffers as a consequence.”**

--- *Oxnard Publishing Co. v. Superior Court*, 68 Cal Rptr. 83, 85 (2<sup>nd</sup> Dist. 1968)

**“Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.”**

--- Louis D. Brandeis, *Other People's Money and How the Bankers Use It*, 1914

**“[Opening Family Courts] has been 100 percent positive with no negatives... Our worst critics will say it was the best thing we ever did. Their fears were unfounded... I wish other states would do it.”**

--- Jonathan Lippman, Chief Administrative Judge, NY State

**“We will only make mistakes if we are hidden in the back room.”**

--- Jess McDonald, Former head of Illinois Child Welfare Agency.

**“Sunshine is good for children.”**

--- Judith Kaye, Chief Judge, New York State Court of Appeals, 1997

**“The appearance of being treated fairly is compromised when things are done in secret... People are suspicious of anything done secretly.”**

--- Daniel Murphy, Oregon Circuit Court Judge

**“Open child protection proceedings may...assist the psychological recovery of the abused children...‘victims of abuse often carry their burden alone, in secret’ and closed proceedings simply ‘continue the notion that something shameful has happened, and that no one should be told.’”**

--- Hon. Heidi S. Schellhas, Minnesota Court of Appeals

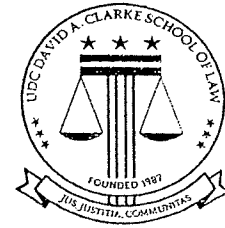
**“The real problem facing the juvenile court judges in this country is not how to keep the reporters out of the courts, but the fact that there is a lack of interest in the juvenile courts by the press and, because the press does not have that interest, by the public.”**

--- Judge Byron B. Conway, *Publicizing the Juvenile Court*, 16-1, *Juvenile Court Judges Journal*, 21-22 (1964)

11-2  
2

**University of the District of Columbia**

David A. Clarke School of Law  
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Washington, D.C. 20008  
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(202) 390-2901 (cell.)  
mifraidin@yahoo.com



**TESTIMONY OF  
MATTHEW I. FRAIDIN**  
Associate Professor of Law  
Director, HIV/AIDS Legal Clinic  
University of the District of Columbia  
David A. Clarke School of Law

**OPENING CHILD WELFARE PROCEEDINGS  
IN THE FAMILY COURT OF  
THE DISTRICT OF COLUMBIA:**

**“SUNSHINE IS GOOD FOR CHILDREN”**

**DISTRICT OF COLUMBIA COUNCIL  
COMMITTEE ON PUBLIC SAFETY AND THE JUDICIARY  
NOVEMBER 4, 2009**

**B-18-344  
INFORMATION SHARING TO  
IMPROVE SERVICES FOR CHILDREN AND FAMILIES ACT OF 2009**

## Myths That Place Children At Risk During Custody Disputes

By Stephanie J. Dallam, RN, MS, FNP, and Joyanna L. Silberg, PhD.

In press -- Sexual Assault Report 9(3), 49 (January/February 2006)

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Stephanie J. Dallam is Secretary and Research Associate, Leadership Council; former Pediatric Surgery and Trauma Nurse Practitioner, University of Missouri Health Sciences Center. Joyanna L. Silberg is Coordinator, Trauma Disorders Services for Children, Sheppard Pratt Hospital, Baltimore, MD. She is also Executive Vice President Leadership Council and Past President, International Society for the Study of Dissociation. **The Leadership Council on Child Abuse & Interpersonal Violence** is a nonprofit independent scientific organization composed of respected scientists, clinicians, educators, legal scholars, and public policy analysts. Its mission is to provide the public with accurate, research-based information about the effects of maltreatment on children and to help preserve society's commitment to protect its most vulnerable members. It is located at 191 Presidential Blvd., Suite C-132, Bala Cynwyd, PA 19004; tel. 610-644-5107, [www.leadershipcouncil.org](http://www.leadershipcouncil.org).

*The Leadership Council on Child Abuse & Interpersonal Violence is a nonprofit scientific organization concerned about the welfare of children. We have become increasingly concerned about the legal system's treatment of victims of family violence during divorce proceedings and child custody disputes. In preparing this paper, we have reviewed documentation from a number of cases in which children were placed in the sole custody of a parent that the child alleges abused them. These children were often prohibited from any contact or provided only limited contact with the parent seeking to protect the child – despite the fact that this parent had never been found to have harmed the child. In many cases the child's allegations are quite credible. We have also reviewed the emerging body of research showing that children who allege abuse are at great risk of not being protected when there is a custody dispute between the parents. Many of these children are victims of incest.*

*There appears to be a need for scientific information to educate professionals about the risks children face during divorce and custody actions. Too often the child's need for protection – which is supposed to be paramount – is lost in the fray.*

*Some groups have opposed exposure of this problem claiming that the information is politically motivated or constitutes "father-bashing." Our analysis indicates that the problem of abusers or batterers obtaining custody is widespread and well documented by research. Presenting this information is not an attempt to "bash" any particular group, only to educate those who seeking to learn more about this problem.*

*The Leadership Council has developed the following information sheet to help clarify issues that affect children's safety in contested custody disputes. We urge readers to use this information to work on ways to help society work toward better protection of those children who have the misfortune of being both abused and in the middle of a custody dispute.*

### Introduction

Approximately one in two marriages in the United States end in divorce, affecting over a million children each year. About 10% of these divorces involve custody litigation. At the same time, domestic violence and child abuse are widespread problems in American families. Not

surprisingly, families with a history of violence often end in divorce with custody of the involved children at issue.

Determining which parent should have primary custody when parents cannot agree is not easy. Allegations of family violence can make the process even more difficult and time consuming. Unfortunately, custody evaluators often have little training in recognizing and responding to child abuse and domestic violence and thus may fail to properly investigate the allegations. Further, officers of the court may fail to recognize that custody litigation can become a vehicle whereby batterers and child abusers attempt to extend or maintain their control and authority over their victims after the marriage dissolves.

As a result, custody decisions are too often based on myth and evaluator bias rather than careful consideration of the factual evidence. The following are an overview of some of the erroneous beliefs that contribute to the problem of children not being protected from abuse in family court.

**Myth 1. Allegations of sexual abuse are common during custody disputes and the vast majority of allegations are false, unfounded or unsubstantiated.**

Many people believe abuse allegations are rampant in custody and divorce litigation where they are used primary by mothers to gain a tactical advantage. When antagonistic parents are locked in legal disputes it is reasonable to be concerned about their motives when abuse allegations are raised. However, research has consistently shown that sexual abuse allegations are not common during custody litigation and when thoroughly investigated are no more likely to be false than allegations raised when at other points in time. \*\*\*

This matter was investigated by the Denver-based Research Unit of the Association of Family and Conciliation Courts which performed a 2-year study which explored the incidence and validity of sexual abuse allegations in custody cases. Contrary to the popular myth that sexual allegations in custody cases are relatively common, the study found that, in the 12 states participating in the study, only 6% of custody cases involved allegations of sexual abuse. The belief that these allegations are typically false was also challenged by the study findings. Half of the allegations were believed by the investigators to be true, and in another 17% determination of the validity could not be made with any degree of certainty. The remaining third of the cases were not believed to involve abuse. However, in most of the cases where abuse was not substantiated, the allegations were believed to have been made in good faith and based on genuine suspicions.

Similar results have been found by other researchers. An Australian study (Brown et al, 1997) found the overall rate of false allegations during divorce to be about 9%, similar to the rate of false allegations at any other time. Schuman (2000) reviewed research that found a range of 1-5% for rates of deliberately false allegations, and 14-21% for mistaken allegations.

It is also important to note that when false allegations are raised, it is not always mothers accusing fathers. Nicholas Bala and John Schuman, two Queen's University law professors, reviewed Canadian judges' written decisions where allegations of either physical or sexual abuse were raised in the context of parental separation. They examined 196 family law cases that were adjudicated between 1990 and 1998. The results revealed that the judges felt that only a third of unproven cases of child abuse stemming from custody battles involved someone deliberately

lying in court. In these cases, the judges found that fathers were more likely to fabricate the accusations than mothers. Of female-initiated allegations, just 1.3% were deemed intentionally false by civil courts, compared with 21% when the man raised allegations.

In conclusion, the available evidence refutes the notion that sexual abuse allegations in the context of custody and visitation cases are epidemic, and counters the notion that these cases are commonly reported by a mother who is vindictive or seriously impaired.

**For more information see:**

Bala, N. & Schuman, J. (2000). Allegations of sexual abuse when parents have separated. *Canadian Family Law Quarterly*, 17, 191-241.

Brown, T., Frederico, M., Hewitt, L., & Sheehan, R. (1997). Problems and solutions in the management of child abuse allegations in custody and access disputes in the family court. *Family and Conciliation Courts Review*, 36 (4), 431-443.

Schuman, T. (2000). Allegations of sexual abuse. In P. Stahl (ed) *Complex issues in child custody evaluations* (pp. 43-68). Sage.

Thoennes, N, & Tjaden, PG. (1990). The extent, nature, and validity of sexual abuse allegations in custody and visitation disputes. *Child Sexual Abuse & Neglect*, 14(2), 151-63

**Myth 2 A history of battering has nothing to do with child abuse.**

**Parents who have been abused by a spouse often fear for the safety of their children --especially after separation when they are not present to mediate for the child. Some have suggested that this fear is baseless claiming there is no significant correlation between wife battering and various forms of child abuse.** Abundant research, however, fails to support this position. As a report by the American Psychological Association pointed out, fathers who batter their children's mothers can be expected to use abusive power techniques to control the children too (APA, 1996).

To date, over 30 studies that have examined the co-occurrence of domestic violence and child abuse found a large overlap. Overall, both forms of violence were found in 40% of families studied with the range in the majority of studies varying from 30% to 60% of families (Appel & Holden, 1998, Edleson, 1999).

Perhaps the most convincing evidence comes from a nationally representative survey of 3,363 American parents. Marital violence was found to be a statistically significant predictor of physical child abuse; the greater the amount of violence against a spouse, the greater the probability of physical child abuse by the physically aggressive spouse. This relationship is stronger for husbands than for wives. The probability of child abuse by a violent husband increases from 5% with one act of marital violence to nearly 100% with 50 or more acts of marital violence. The predicted probability of child abuse by a violent wife increases from 5% with one act of marital violence to 30% with 50 or more acts of marital violence (Ross, 1996).

Although less research has been done on the overlap between domestic violence and child sexual abuse, the available evidence indicates reason to be concerned. Pavesa (1988) performed a careful case-controlled study of 34 families in which father-daughter incest occurred and compared these families with 68 control families. Daughters of batterers were 6.5 times more likely than other girls to be victims of father-daughter incest.



Evidence of an overlap between domestic violence and child sexual abuse has also been uncovered in surveys of children. For instance, Roy (1988) interviewed 146 children aged 11 to 17 who had been exposed to domestic violence. Almost of third of the girls (31%) either reported that they had been sexually abused by their fathers and/or had documentation of sexual abuse in their case files. A survey of 313 college women, showed a similar trend. Nine percent of the women reported having witnessed some type of physical conflict between their parents. Witnessing marital violence was associated with having experienced childhood physical and/or sexual abuse (Feerick & Haugaard, 1999).

Still, a child doesn't have to be physically or sexually abused to be harmed by domestic violence. Studies have shown that witnessing violence also adversely impacts children. For instance, Kernic and colleagues (2003) examined 167 children of Seattle women with police-reported or court-reported intimate partner abuse. Exposure to their mother's abuse was significantly associated with child behavioral problems -- both in the presence and absence of co-occurring child maltreatment.

**For more information see:**

American Psychological Association. (1996). *Report of the APA Presidential Task Force on Violence and the Family*, Washington, D.C.: Author.

Appel, A.E. & Holden, G.W. (1998). The Co-occurrence of Spouse and Physical Child Abuse: A Review and Appraisal. *Journal of Family Psychology*, 12(4): 578-599.

Bancroft, L., & Silverman, J. (2003). *The Batterer as Parent*. Thousand Oaks, CA: Sage.

Bancroft, L., & Silverman, J. (2002). *Assessing risk to children from batterers*. ([http://www.lundybancroft.com/pages/articles\\_sub/JAFFE.htm](http://www.lundybancroft.com/pages/articles_sub/JAFFE.htm))

Edleson, J.L. (1999). The overlap between child maltreatment and woman battering. *Violence Against Women*, 5(2), 134-154. (Pdf: [http://www.vawnet.org/DomesticViolence/Research/VAWnetDocs/AR\\_overlap.pdf](http://www.vawnet.org/DomesticViolence/Research/VAWnetDocs/AR_overlap.pdf))

Feerick, M.M., & Haugaard, J.L. (1999). Long-term Effects of Witnessing Marital Violence for Women: The Contribution of Childhood Physical and Sexual Abuse. *Journal of Family Violence*, 14(4): 377-398.

Kernic, M. A., Wolf, M. E., Holt, V. L., McKnight, B., Huebner, C. E., & Rivara, F. P. (2003). Behavioral problems among children whose mothers are abused by an intimate partner. *Abuse & Neglect*, 27(11), 1231-46.

Paveza, G. (1988). Risk factors in father-daughter child sexual abuse. *Journal of Interpersonal Violence*, 3(3), 290-306.

Ross, S. M. (1996). Risk of physical abuse to children of spouse abusing parents. *Child Abuse & Neglect*, 20(7), 589-98.

Roy, M. (1988). *Children in the crossfire: Violence in the home – how does it affect our children?* Deerfield Beach, FL: Health Communications.

Straus, M. A. (1983). Ordinary violence, child abuse, and wife beating: What do they have in common? In D. Finkelhor, R. J. Gelles, G. T. Hotaling, & M. A. Straus (Eds.), *The dark side of families: Current family violence research* (pp. 213-234). Newbury Park, CA: Sage.

**Myth 3: Custody transfers to abusive parents are rare.**

Some have suggested that custody transfers to abusive parents are rare events. Most of us would like to believe this. Unfortunately, empirical research suggests otherwise. Although, research has not found a higher incidence of false allegations of child abuse and domestic violence in the context of custody or visitation disputes, judges and others in the court system

Judges tend to be unreasonably suspicious of abuse claims raised at these times. As a result, abusers often ask for and receive custody.

According to a report by the American Psychological Association, an abusive man is more likely than a nonviolent father to seek sole physical custody of his children and may be just as likely (or even more likely) to be awarded custody as the mother (APA, 1996). A report by the American Judges Foundation, reported that 70% of the time an abuser who requests custody is able to convince the court to give it to him.

In fact, it appears that raising allegations of abuse may harm a protective parent more than the alleged abuser. An on-going study funded by the National Institute of Justice study shows that women who inform custody mediators that they are victims of domestic violence often receive less favorable custody awards than those who do not (Saccuzzo & Johnson, 2004). The investigators found that only 35% of mothers who alleged domestic abuse got primary custody, compared to 42% of mothers who did not. Fathers who were accused of domestic violence were given primary custody in 10% of cases, while fathers not accused of domestic violence got primary custody 9% of the time. Thus, alleged perpetrators suffered no ill effects. In fact, the only time that evidence of domestic violence impacted the alleged abuser was when the mediator noted evidence of violence when the mother did not allege domestic violence. When this occurred, mediators recommended protected child exchanges twice as often. Thus women who were forthright with their domestic violence allegations secured less protection for themselves and their children.

A recent study by the Harborview Injury Prevention & Research Center in Seattle confirms these results (Kernic et al., 2005). The researchers analyzed documentation on more than 800 local couples with young children who filed for divorce in 1998 and 1999, including 324 cases with a history of domestic violence. They found that evidence of domestic violence did not appear to change how courts decided custody. In other words, fathers who were violent were just as likely to receive custody when they asked for it as fathers who were not violent. Nor were fathers with a history of committing domestic violence more likely than other fathers to be required by the court to have a third party supervise child visitations.

Faller and DeVoe (1995) examined 214 allegations of sexual abuse in divorce cases that were evaluated by a multidisciplinary team at a university-based clinic. 72.6% were determined likely, 20% unlikely, and 7.4% uncertain. They also found that 40 concerned parents experienced negative sanctions associated with raising the issue of sexual abuse. These sanctions included being jailed; losing custody to the alleged offender, a relative, or foster care; limitation or loss of visitation; admonitions not to report alleged abuse again to the court, Protective Services or the police; and prohibitions against taking the child to a physician or therapist because of concerns about sexual abuse in the future. None of the parents experiencing these sanctions were ones who were judged to have made calculated false allegations. In fact, sanctioned cases tended to score higher on a composite scale of likelihood of sexual abuse, and were more likely to have medical evidence than cases without sanctions.

Concerns about how family courts are handling cases involving allegations of abuse were also raised by the findings of Neustein and Goetting (1999). They examined judicial responses to protective parents' complaints of child sexual abuse in 300 custody cases with extensive family court records. The investigators found that in only 10% of cases where allegations of child abuse were raised was primary custody given to the protective parent with supervised contact with

alleged abuser. Conversely, 20% of these cases resulted in a predominantly negative outcome where the child was placed in the primary legal and physical custody of the allegedly sexually abusive parent. In the rest of the cases, the judges awarded joint custody with no provisions for supervised visitation with the alleged abuser.

To better understand the problems that protective parents face in the legal system, researchers at California State University, San Bernardino, are performing an on-going national survey (Stahly et al., 2004). To date, over 100 self-identified protective parents have completed the 101-item questionnaire. The results raise serious concerns about how protective parents are treated in family court.

\* Prior to divorce, 94% of the protective mothers surveyed say that they were the primary caretaker of their child and 87% had custody at the time of separation. However, as a result of reporting child abuse, only 27% were left with custody after court proceedings. Most protective parents lost custody in emergency ex parte proceedings where they were neither notified nor present. \*

The vast majority of these mothers (97%) reported that court personnel ignored or minimized reports of abuse. Almost half (45%) of the mothers say they were labeled as "alienators" who induced Parental Alienation Syndrome (PAS) in their children. Most reported feeling that they felt they were punished for trying to protect their children. Two-thirds (65%) said they were threatened with sanctions if they "talked publicly" about the case.

Eighty-five percent of the protective parents surveyed believe that their children are still being abused; however, 63% say they stopped reporting the abuse for fear that contact with their children will be terminated. Eleven percent of the children were reported to have attempted suicide.

The protective parents surveyed also reported severe financial repercussions. The average cost of the court proceedings was over \$80,000; over a quarter of the protective parents say they were forced to file bankruptcy as a result of filing for custody of their children.

**For more information see:**

An annotated overview of research documenting protective parents losing custody to abusers can be found at <http://www.leadershipcouncil.org/1/pas/dv.html>

American Psychological Association. (1996). *Report of the APA Presidential Task Force on Violence and the Family*, Washington, D.C.: Author.

American Judges Foundation, *Domestic Violence and the Court House: Understanding the Problem...Knowing the Victim*, Forms of Emotional Battering Section, Threats to Harm or Take Away Children Subsection (<http://aja.ncsc.dni.us/domviol/page5.html>).

Faller, K. C., & DeVoe, E. (1995). Allegations of sexual abuse in divorce, *Journal of Child Sexual Abuse*, 4(4), 1-25.

Kernic, M. A., Monary-Ernsdorff, D. J., Koepsell, J. K., & Holt, V. L. (2005). Children in the crossfire: child custody determinations among couples with a history of intimate partner violence. *Violence Against Women*, 11(8), 991-1021.

Neustein, A., & Goetting, A. (1999). Judicial Responses to Protective Parents, *Journal of Child Sexual Abuse*, 4, 103-122. <http://www.haworthpressinc.com/store/SampleText/J070.pdf> (page 109 of pdf)

Saccuzzo, D. P. & Johnson, N. E. (2004). Child Custody Mediation's Failure to Protect: Why Should the Criminal Justice System Care? *NIJ Journal*, 251, Available from the National Institute of Justice.  
<http://ncjrs.org/pdffiles1/jr000251.pdf> (page 21)

Stahly, G. B., Krajewski, L., Loya, B. Uppal, K., German, G., Farris, W., Hilson, N., & Valentine, J. (2004). *Protective mothers in child custody disputes: A study of judicial abuse*. California State University, San Bernardino.

#### **Myth 4: Fit mothers do not lose custody.**

**Many people assume that the only way a mother would lose custody to an alleged batterer or child abuser was if she were proven to be an even less fit parent. Most people have difficulty believing that that a court would take a child away from a mother who has heretofore been the child's primary caretaker if her only crime is expressing concern about her own or her child's safety. Unfortunately, research clearly shows this is currently happening; thus the main question we must consider is why.**

There doesn't appear to be a simple answer to this question. Instead, it appears that a complex array of dynamics is involved. First, there is a widespread belief in our society that a person who both appears and acts normal could not possibly be a violent batterer or child abuser. Offenders are well aware of our propensity for making assumptions about private behavior from one's public presentation and they tend to use this knowledge to their advantage (Salter, 2003). Thus they may give the appearance of the perfect parent during court appearances. Mothers concerned about the safety of their children, on the other hand, often appear overly concerned and as if they are exaggerating the problem.

As a report by the American Psychological Association pointed out:

If the court ignores the history of violence as the context for the mother's behavior in a custody evaluation, she may appear hostile, uncooperative, or mentally unstable. For example, she may refuse to disclose her address, or may resist unsupervised visitation, especially if she thinks her child is in danger. Psychological evaluators who minimize the importance of violence against the mother, or pathologize her responses to it, may accuse her of alienating the children from the father and may recommend giving the father custody in spite of his history of violence. . (APA, 1996)

A second reason that fit mothers lose custody to alleged abusers is that some officers of the court view women who allege abuse as fabricating or exaggerating incidents of violence as a way of manipulating the courts to gain a tactical advantage (Doyme et al., 1999). As noted previous, research, refutes this notion that allegations of abuse raised during custody disputes are usually false. Nor do women appear to gain any tactical advantage by raising the issue. In fact, women who raise abuse allegations have been shown to receive less favorable rulings than those who do not (see e.g., Saccuzzo & Johnson, 2004). For this reason, some lawyers advise women not to tell courts or mediators about child abuse or domestic abuse because, by doing so, they risk losing custody to the alleged abuser ("Custody Litigation," 1988; Saccuzzo & Johnson, 2004).

A third factor contributing to the problem is wide spread adoption of the "friendly parent" concept. Many state legislatures have enacted legislation requiring family courts to favor joint custody arrangements, and when this isn't possible, to favor the parent who appears most "friendly" to a joint custody arrangement. At least 31 states have statutes requiring courts to consider how "cooperative" the parent is when determining custody arrangements (Gonzalez &

Reichmann, 2005). Moreover, judges often rely on these considerations even when their statutes do not require them to do so (Zorza, 1992).

The intent of "friendly parent" preferences is to guarantee that children go to the parent most likely to facilitate the child's relationship with the other parent. Although this is a reasonable goal, in practice, the result has been to penalize parents who raise concerns about child abuse or domestic violence (Dore, 2004). Friendly parent preferences tend to favor abusers who rarely object to the nonabusive parent having access to the child. Protective parents, on the other hand, frequently seek to curtail a violent parent's access to the child. Yet, the very act of raising concerns of abuse suggests to the court that the protective parent is inherently "unfriendly" toward their ex-spouse and should therefore be denied custody (Dore, 2004). Some professionals have found that the friendly parent concept is most often employed against the custodial or primary parent, typically the mother (Zorza, 1992).

Some states have tried to rectify injustices resulting from friendly parent preferences by enacting presumptions against custody to a perpetrator of domestic violence. Yet even when the state has a presumption that abusers not get custody, these presumptions are not always followed. For instance, Morrill et al. (2005) evaluated the effectiveness of statutes mandating a presumption against custody to a perpetrator of domestic violence in 6 different states. The investigators examined 393 custody and/or visitation orders where the father perpetrated domestic violence against the mother and surveyed 60 judges who entered those orders. They found that children failed to be protected in states with a statutory presumption against custody to an abuser when the state also had a "friendly parent" provision in their statutes with a presumption for joint custody.

A fourth reason that fit mothers may lose custody to an alleged abuser is due to lax standards that allow junk science to influence custody decisions in family courts. Over the years a number of "syndromes" have been developed that pathologize the responses of mothers who seek to protect their child from an abusive spouse. The most popular of these syndromes, "Parental Alienation Syndrome," is discussed in the next section.

**For more information see:**

American Psychological Association. (1996). *Report of the APA Presidential Task Force on Violence and the Family*, Washington, D.C.: Author.

American Judges Foundation, *Domestic Violence and the Court House: Understanding the Problem...Knowing the Victim*, Forms of Emotional Battering Section, Threats to Harm or Take Away Children Subsection (<http://aja.ncsc.dni.us/domviol/page5.html>)).

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### **Myth 5: Parental alienation syndrome is a common, well-documented phenomenon.**

**Those who buy into the myth that mothers frequently raise false allegations of abuse may attempt to explain away abuse allegations by relying on a theory called Parental Alienation Syndrome. Although this theory has never been found to be reliable or valid, some continue to claim that it constitutes is a well-documented phenomenon.**

Estrangement from one or both parents can occur in children any time but is perhaps more likely to become evident during an acrimonious divorce when the child is forced to change living circumstances. Abuse allegations may also surface as the family's inner life is placed under the scrutiny of mental health professionals and court officials. A theory called Parental Alienation Syndrome (PAS) purports to explain both phenomena the by blaming both the child's estrangement from their father and concerns raised about abuse on the mother.

In fact, Dr. Richard Gardner, the theory's creator, developed his theory while working as a paid consultant to men charged with sexually abusing their children. Thus, the syndrome was created as a defense theory to counter a child's allegation of sexual abuse (Dallam, 1999).

Gardner defines PAS as follows:

The parental alienation syndrome (PAS) is a disorder that arises primarily in the context of child custody disputes. Its primary manifestation is the child's campaign of denigration against a parent, a campaign that has no justification. It results from the combination of a programming (brainwashing) parent's indoctrinations and the child's own contributions to the vilification of the target parent . . . .

Gardner considered PAS to be a psychiatric disorder that arises in the course of child-custody disputes adjudicated in the context of adversarial proceedings. Gardner's theory portrays the child's preferred or protective parent (usually the mother under PAS) as an evil "alienator" who is virtually solely responsible for turning a vulnerable child against their estranged parent (usually the father under PAS). The child is viewed as mentally ill and the "alienating" protective parent (for example, a mother that raises concerns about abuse) is viewed as the sole cause of the disorder. When this parent is judged to be in the "severe" category, Dr. Gardner recommended sole custody to the other parent – the parent that the child claims is abusing them. Thus, the main cure for this alleged mental illness is for the child to be placed in greater contact with an alleged abuser while their contact with the protective parent is curtailed or halted altogether.

It should be pointed out that Gardner never submitted his theory to scientific testing and it has never been shown to be a valid syndrome. Despite these shortcomings, PAS has gained a

toehold in family courts across our nation. Some courts have accepted PAS because it appears to explain a well-recognized phenomenon within custody battles - the often acrimonious fight between parents for their child's affection. In addition, PAS offers courts seemingly simple answers to the complex problems caused when allegations of family violence are raised in custody litigation. PAS is also accepted by courts as it fits well with the friendly parent concept.

Unfortunately, like the friendly parent concept, Parental Alienation Syndrome, presents the court with a paradox that seems to undermine rational decision-making when considering the best interests of children. With PAS theory, a concerned custodial parent's steps to obtain professional assistance in diagnosing, treating, and protecting the child, constitute evidence of "alienation." Attorney Richard Ducote (2002) noted:

"One irony of . . . 'PAS' is that the increased existence of valid evidence of true sexual abuse leads Gardner and his devotees to more fervently diagnose 'PAS.' Thus, 'PAS' is the criminal defense attorney's dream, since the greater the proof of the crime, the greater the proof of the defense."

Outside of the court room, PAS has fared less well. For instance, in an article published in *Professional Psychology: Research and Practice*, Rotgers and Barrett (1996) cite PAS theory as a prime example of a nonscientific theory that engages in "reverse logic." Moreover, PAS has been widely discredited in academic circles for being biased against women and children, and flawed in its failure to take into account alternative explanations for the behavior of the parties involved (see e.g., Dallam, 1999).

Gardner's methods for determining the veracity of an abuse allegation have also been criticized for being strongly biased in favor of the alleged child molester. For example, a review published in the *Journal of the American Academy of Child & Adolescent Psychiatry*, Amaya-Jackson and Everson (1996) wrote: "Bias can be noted in [Gardner's] attempts to discredit a child's allegations by resorting to narrow, often oversimplified notions of how sexually abused children are supposed to behave." They further noted that while his writings discuss the importance of evaluators being neutral and objective, Gardner nonetheless conveys "a strong bias that the overwhelming majority of allegations, especially in custody-related cases, are false and that the assessment procedures the author advocates are slanted to arrive at such a conclusion."

Lampel (1996) examined children who were aligned with one parent in a divorce. Gardner's model (which views the preferred parent as the primary agent in causing the alignment through manipulation and brainwashing) was compared with Johnston and Campbell's model (which described the child as aligned with the parent whom the child felt provided more empathy and understood the child's age-specific concerns). The PAS model was not supported by the data. Moreover, fathers were as likely to be preferred parents as were mothers and no evidence was found to support the hypothesis that preferred parents were more disturbed than nonpreferred parents.

Johnson (2003) studied children who were estranged from a parent during divorce and found that rejected parents often appeared to be the architects of their own rejection. In other words, deficits in parenting behaviors were strongly linked to a parent being rejected by their children. As Smart (2002) noted, after divorce, children have to re-establish their relationships with their parents. The quality of this relationship depends to a large extent on the trust and warmth that had been established prior to separation along with the quality of the post-separation parenting.

It should be noted that while PAS is not a valid syndrome, this does not imply that abuse allegations are always accurate, or that parents do not at times attempt to manipulate their children during custody proceedings. However, simplistic theories such as PAS theory are not sufficiently scientific to be able to make cause and effect determinations and can place children in danger by discounting valid concerns about abuse. To make decisions that serve a child's best interests, family courts need to take a more scientific, sophisticated approach to the complexities of determining custody.

The latest research on children embroiled in custody conflicts supports looking at the multiple, interacting, and often complex factors that affect a child's feelings about his or her parents. As psychologist Benjamin D. Garber (1996) noted, ambivalence or rejection of a parent may be related to many different factors including: (1) normal separation anxiety; (2) child abuse and neglect; (3) the parent's inappropriate behavior or expectations; (4) inappropriate, unpredictable or violent behavior by the parent; (5) "incidental causes" such as dislike of a the parent's new roommate or lover; (6) alienation via third parties; (7) the child's unassisted manipulation of their parents; and (8) fears for the absent parent's welfare.

**For more information see:**

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**Myth 6: Children are more likely to be abused in the care of women than men.**

The myth that women are more violent toward children than men is currently being promoted by some extremist groups. The claim is based, in part, on a statistical report by the



U.S. Department Health and Human Services (HHS) which breaks down the number of substantiated reports of child abuse and neglect by gender. The HHS analysis shows that of children maltreated by parents, 40.8% of child victims were maltreated by their mothers acting alone; another 18.8% were maltreated by their fathers acting alone; and 16.9% were abused by both their mother and father. Some seek to misuse this statistic to suggest that children are at greater risk for abuse when in the care of mothers than fathers.

*W Sherrod* A careful reading of the HHS report shows that most instances of substantiated maltreatment involved neglect of children under the age of three years. Because women tend to spend many more hours in contact with small children than men in our society, it makes sense that overall a young child is more likely to be maltreated by a woman rather than by a man. However, this does not suggest that a child would be safer if a father was doing the caretaking rather than a mother.

*AA* A recent population-based case-control study reviewed 8 years of child-fatality-review data in Missouri. The investigators found that females were perpetrators for just 26% of all inflicted fatal injuries on young children (Schnitzer & Ewigman, 2005). The vast majority of perpetrators were male (71.2%). In most instances, the perpetrator was the child's father (34.9%) or a boyfriend of the mother 24.2%. The child's mother was the perpetrator in only 19.7% of fatalities (see Table 1).

**TABLE 1. Inflicted Fatal Injuries on Young Children:  
Gender of Perpetrator and Relationship to Deceased Child\***

Gender and Relationship	Percent	Total
<b>Males</b>		<b>71.2%</b>
---Biological father	34.9%	
---Boyfriend of mother	24.2%	
---Other male relative	4.5%	
---Male nonrelative	3.0%	
---Stepfather	2.3%	
---Male babysitter	1.5%	
---Foster father	0.8%	
<b>Females</b>		<b>25.8%</b>
---Biological mother	19.7	
---Female babysitter	3.0	
---Other female relative	1.5	
---Girlfriend of father	0.8	

---Female, nonrelative	0.8	
<b>Gender unknown</b>		<b>3%</b>
---Babysitter or other nonrelative	3%	
<b>Total</b>		<b>100</b>
*Adapted from Schnitzer & Ewigman, 2005, Table 3		

Based on their research, Schnitzer and Ewigman (2005) concluded that children are safest when they live in households with both biological parents or one biological parent and no other adults. Children appear to be at greatest risk when they live in households that include males who are not related to them.

Other recent studies reveal similar findings. For instance, Starling et al. (1995) identified perpetrators of both fatal and nonfatal abusive head trauma over a 12-year period (1982–1994) at the Children's Hospital of Denver. Male perpetrators outnumbered females over 2:1. In all, 68.5% of perpetrators were male (fathers accounted for 37% of the abusers, followed by boyfriends at 20.5%). Males also tended to inflict more severe injuries. Men were perpetrators in 74.2% of the cases of fatal abusive head trauma. The largest group of female perpetrators were female babysitters who were responsible for 17.3% of cases. Mothers were responsible for only 12.6% of abusive head trauma cases.

\* \* In summary, courts should be mindful of the ways that statistical data can be misused when ~~\*\*\*~~ assessing the safety of living situations for children. Moreover, group data cannot tell us what living situation is best for a child in any specific case. Currently, the best indicator that we have of a propensity toward future violence is past behavior (Crowley, 2005). Thus, children need to be provided a safe and meaningful way to be heard in the divorce process (Smart, 2002). Courts should pay special attention to the child's own report of abuse or neglect along with past evidence that a parent has been violent towards others in the household.

**For more information see:**

Crowley, B. (2003). The Assessment of Danger in Everyday Practice. *Psychiatric Times*, 20(6), <http://www.psychiatrytimes.com/p030674.html>

Schnitzer, P. G., & Ewigman, B. G. (2005). Child Deaths Resulting From Inflicted Injuries: Household Risk Factors and Perpetrator Characteristics. *Pediatrics*, 116(5), 687-693. <http://pediatrics.aappublications.org/cgi/content/full/116/5/e687#R33>

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Starling, S. P., Holden, J. R., & Jenny, C. (1995). Abusive head trauma: The relationship of perpetrators to their victims. *Pediatrics*, 95, 259-262. [Abstract]

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More information on Custody issues can be found at the Leadership Council website under "Abuse and custody disputes: Scientific and Legal Issues"

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<sup>i</sup> When we compare statistical data, we must place numbers in the context of their denominator rather than simply comparing the raw data. In other words, for these statistics to be meaningful, we must compare rates of maltreatment that have been adjusted based on hours of contact with the child. As illustration, consider the following example. If we compared the murder rate of any small town in American with the murder rate in any large city, we would get the impression that large cities are very dangerous simply because many more people die. Only when murder rates are adjusted for the number of people actually living in the community is it possible to determine which town is in fact the safest. For example, if 20 people were murdered in the large town and 2 people were murdered in the small town, some might suggest that small towns are much safer places to live. However, if we adjust the rates for the actual population, we might find that the population of the large town is 100,000, while the population of the small town is only 100. Thus, the actual murder rate for the large town would be 20 per 100,000, while the murder rate in the small town would be 2000 per 100,000! In this case, the murder rate in the small town would be 100 times higher than the larger one. For this reason, statistics of maltreatment by gender of caretaker, must take into account the amount of time actually spent with the child.

Cecilia Arnold

Hello, I'm submitting this letter along with the first letter I submitted at another children issue hearing. I'm also writing this letter in faith that someone will really look into my case. Not just look at the files, but to actually dig deep and do a real investigation, because I've already shown at my termination trial that a file or document can be modified to look a certain way so that one could say there was justifiable reason for actions that was taken. A judge makes decisions based on information provided. Well if the information provided to is inaccurate and mislead, then how can he/she make a fair decision? If proof is provided that the information given is inaccurate and that proof seems as if it was never heard, then who would be liable for the wrong doings in my case? I don't know how so many times one can show how inaccurate the ADA is but yet he/she is still allowed to do whatever, whenever. But she is only doing what she have been allowed to do. If in fact I did have something to hide, I would not have taken it this far to end up embarrassing myself. I'm now living in another state, which this move was in progress during the time my children were home. I'm very stable and have a beautiful home... but for the record, I didn't just get a home, I had all the things the state would require before reintergration could occur ( housing, job, daycare, etc.) before my children was removed from my care and my abuser was already incarcerated. But I have since taken this time to better my life for my children. Instead of just having a job, I now have a career. I'm speaking in confidence that this wrong will be made right and even if no one will make that change, I know who will.... He sees all and knows all. I would love to be there for myself but I might end up in jail. By no surprise the ADA has again charged me with 2 counts of interference with parental custody and I have 2 felony warrants out for my arrest since giving testimony in last November. The same two charges that she filed before and I was convicted of. Its isfunny how my criminal record has changed since being involved with the juvenile system (felonies) as if I'm some hard core criminal, but in the same breath they're helping families. I had ran into my daughter while I was in town for the last hearing and I felt like it was an act of God. I would spend a life time in jail for 30 more minutes with either one of my children, I don't regret a moment.

House Fed & State Affairs

Date: 3-4-2010

Attachment 12

There is nothing the ADA can do to me that she hasn't already done. Even though I can't be there in person, two of the most important people are (my parents). I couldn't ask for a better support system. I nominate them parents of a life time. They tried to make my family look bad, but I have to say both of my parents have always been there for me and provided a life full of love and shelter. I respect them now more than ever. You never know what all the effects it has to be a parent internally and physically. Then all the duties that come along with being a good parent until you have become one. One thing I've always wondered is if my parents are so bad that my children can't be placed with them, then why didn't they ever remove me from my parents instead of placing requirements upon me as an adult. I was only 15 my first involvement in the juvenile system. I acted and spoke then as a kid because I was a kid, no different from any other kid/teen who thinks that he/she knows it all and have the world figured out. I now have matured and act and speak as an adult, because I am an adult. We all have had to grow up. And so what I had a bad boyfriend, that doesn't make me a bad parent. The DV could have been addressed and resolved without removing my children. It is more to my case then one would know. But honestly how is a ADA allowed to legally target me all these years and then to have one say I wish there was more I can do, but it was so easy to do. Although I know there are those working behind the seen to keep me and my children separated, I also know there are those behind the seen working to help me and I want you to know I think God for laying it upon your heart to do so, thank you and blessings! My last question I will ask is every since Trisha Knoll/Smith filed this CINC petition against me, when was it ever about the best interest of my kids? Most importantly they are the ones who are suffering the most, oh but my precious girls, hold on... Momma will never give up. Trust and believe this is in God's hands. If you want pictures I will provide, I invite anyone who doubts me into my home to see my lifestyle first hand. Any information needed please contact me at [cecilliaarnold@yahoo.com](mailto:cecilliaarnold@yahoo.com), thank you for reading this letter.

Letter - Yahoo! Mail



## Letter

Sunday, November 22, 2009 10:53 PM

From: "Cecillia Arnold" &lt;cecilliaarnold@yahoo.com&gt;

To: oletha29th@aol.com

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 HELPI I made my girls a promise that I would

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r - Yahoo! Mail

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!

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