

February 2, 2012

Testimony of Kathy Winters, Kansas Family Rights Coalition

The following are additions or changes I would request be made to House Bill 2542:

1. Governor shall appoint citizens to the Citizens Review Board. SRS director and judges should not have any decision making in the Citizens Review Board process as it would be a conflict of interest. If the Citizens Review Board find that it is necessary, the Citizens Review Board will send a report of any concerns they have found during the case to the Governor and the Attorney General's Office.
2. It is also a conflict for any individual who works within the family or juvenile court system, child welfare, foster placement, adoptive families and social workers as they receive benefits including monetary or physical and emotional gain from the placement of children in foster care to be on the Citizens Review Board. The Citizens Review Board shall include independent citizens and no one involved within the child protective system.
3. Also in order to make determinations as to whether laws were followed the board would have access to no less than - the same official documents that families are entitled to by law which includes the official and social file as stated in KSA 38-2211.

http://kslegislature.org/li/b2011_12/statute/038_000_0000_chapter/038_022_0000_article/038_022_0011_section/038_022_0011_k/

If the panel finds that the rights of children and families and laws were violated – i.e.,
the judge did not meet the federal government's requirements(*) for the child to be eligible for matching federal funding...

(*)probable cause documentation requirement not met...

(*)reasonable efforts were not made to keep the child with the parent

DA/County Attorney did not file the petition with the court within 48 hrs.

hearing not held within 72 hours of the child's removal

(*) "clear and convincing evidence" criteria not met within 60 days

Then the panel shall make a report to the Governor with a request that the child shall be returned to the home that the child was originally removed from.

4. It shall be required that at the beginning of a CINC case, Parents, grandparents, and any other interested parties in the CINC case shall be furnished with a handbook detailing their civil rights and organization that they may contact for support. At that time also, interested parties in the CINC case shall be advised that they are entitled to a Citizens Review Board at any time during the CINC case and shall be provided with a Citizens Review Board if requested.

5. Citizens Review Board members shall have access to discussions with parents and also the children when they feel it is warranted.

6. Citizens Review Board members should have the power to access or subpoena police, court, and social files.

7. The volunteer, average citizens, members of the Citizens Review Board do not need extensive, expensive training. A manual would be enough training for them to familiarize themselves with the basic laws and requirements regarding CINC cases. The trainers might potentially influence the decisions by the members when training them.

(This is a compromise regarding expenses and the over 3,000 volunteers mentioned by the opponent to the bill who spoke yesterday.) The Citizens Review Board is required ONLY when parents or interested parties in a CINC are advised of this volunteer service and they request it.

MORE TESTIMONY:

Several families, including foster parents, wanted to come today and testify but they are concerned about retaliation which they have experienced in the past. Some families have even been threatened by caseworkers and judges that they should “keep their mouths” shut and that if they continue to contact their legislators or testify in committee meeting, that they may possibly have their children removed again or if it is an open case, they may not get their children back. I know of a CASA worker who was going to contact a legislator regarding the unethical practices of the private contractors, but was told by the CASA supervisor that he should NOT contact the legislator because the supervisor was afraid CASA would lose their funding from the private contractor. Families are retaliated almost every day for speaking out against what they perceive to be injustices and receive retaliation for their efforts and freedom of speech.

Attached are documentations which will confirm some of my testimony:

1. A complaint made by a citizen regarding judges in several counties endorsing private contractors. It exposes the possibility of bias, prejudice and preferential treatment in favor of private contractors before and during hearings. It also shows the possibility of the judges accepting the caseworkers' reports as fact and to ignore evidence presented by parents and other witnesses.
2. Attached also are January and February Newsletters by our group which may have statistics and information that you may find helpful.

The following are some links that I feel are extremely important for you to look at. One, in particular, is how the state of Oregon handles their Citizens Review Board and it has proven to be very successful. We can certainly learn from positive results from other states:

Oregon's CITIZENS REVIEW BOARD
<http://courts.oregon.gov/OJD/OSCA/cpsd/citizenreview/OurReviews.page?>

<http://courts.oregon.gov/OJD/docs/OSCA/cpsd/citizenreview/FDRCaseNotes06.pdf>

http://www.kscourts.org/programs/CITIZENS_REVIEW_BOARD.asp

<http://www.uky.edu/SocialWork/crp/files/National-Directory-08.pdf>

<http://www.uky.edu/SocialWork/crp/files/National-Directory-08.pdf>

<http://www.uky.edu/SocialWork/crp/files/National-Directory-08.pdf>

Below is the link to the National Citizens Review Panel

<http://www.uky.edu/SocialWork/crp/>

<http://www.uky.edu/SocialWork/crp/states/ks/ChildSafetyandPermAnnReport2006.pdf>

Kansas Judicial Center, Room 374
301 S.W. Tenth Avenue
Topeka, Kansas 666121507

December 21, 2011

RE: Judges giving personal endorsement of KVC (a private contractor)

It has been brought to my attention that the below two Judges:

- 1) Honorable Daniel Mitchell (Shawnee County District Judge)
 - 2) Honorable Kathleen Sloan (Johnson County District Judge)
- are in violation of the Rules Relating To Judicial Conduct, Rule 601A.

In reviewing the 2010 annual public report of KVC, the above two Judges have given their personal endorsement for this private contractor. See KVC 2010 public report at:
<http://www.kvc.org/home/about-us/news/annual-reports>

Statements in the KVC report:

Judge Daniel Mitchell - "From my perspective, KVC is top-notch and first class in its delivery of service and resources. The sincerity and professionalism of KVC is amazing. I am truly appreciative of all that KVC does on behalf of children." (Page 28 of the 2010 KVC annual public report - attached)

Judge Kathleen Sloan - "I feel really good about my working relationship with KVC, said Judge Sloan. "Everybody is so responsive, the case managers, the workers, if you ask KVC to do something, they get it done." "KVC steps forward and comes up with a good program. They are on it." (Page 29 of the 2010 KVC annual public report attached)

Attached are two pages taken from the KVC 2010 annual public report, which can also be seen at the web site above.

KVC is a private company that works with the Kansas Department of Social and Rehabilitation Services (SRS) which initiated the privatization of the state's child welfare services. KVC is listed on the web site of the Kansas Secretary of State; Business Entity ID number 0259192. KVC previously known as KAW Valley Center, Inc. and Wyandotte House, now goes by the name of KVC Behavioral Healthcare, Inc.

These personal endorsements by these Judges are in direct violation of Rule 601A.

Specifically: Cannon 1 (A Judge Shall Uphold the Integrity and Independence of the Judiciary)

Cannon 1, Page 6, paragraph B. "A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge."

Likewise, under Cannon 1, Page 6, last paragraph. "A judge must avoid lending the prestige of judicial office for the advancement of the private interests of others."

What makes this matter worse, is that KVC has numerous employees that are involved with families in these Judges courtrooms. For these Judges to come out publically and personally endorse KVC is granting special consideration for these KVC employees. These KVC employees testify before these judges and are sometimes called into question.

As for my own personal case of 08JC0509 before Judge Sloan, KVC was involved with this case and even testified before Judge Sloan. Had I known of the bias relationship between Judge Sloan and KVC, I was have brought this bias before the court and asked for a new judge.

The endorsements of these Judges needs to be removed from the 2010 KVC annual public report as soon as possible. Unfortunately, just removing the endorsements from the KVC annual report does not solve the problem. These Judges have already made it known publically that they favor KVC. These Judges should not be allowed to hear any further cases that involve KVC due to their bias position.

If you have any question about the above, please do not hesitate to contact me.

Very Truly Yours,

Robert Sokol

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Enclosures
cc: Committee For Judicial Ethics
cc: Fathers and Families
cc: Parents and Children's Justice
cc: The Pitch Newspaper

Honorable Daniel Cahill

Wyandotte County District Court Judge Daniel Cahill appears to be a quiet, soft-spoken man. But don't let that low-key demeanor fool you. Judge Cahill is a man of force, making decisions in one of the largest counties in Kansas. Each November, however, Judge Cahill puts aside the tribulations that come with trials and spends a Saturday morning making families whole. It is all smiles on National Adoption Day when the judge enters the courtroom to finalize the adoption of a child. In 2009, one of the children was a 17-year-old boy, and another was an infant.

Cahill's dedication to children and families runs deep. Each December he serves on the judges' panel at the KVC Resource Family Conference and explains to foster and adoptive families the whys and hows behind some of his decisions.

Honorable Daniel Mitchell
Shawnee County District Court Judge

Daniel Mitchell was appointed to the bench in 1985 by Kansas Governor John Carlin. The opening was a Juvenile Court assignment. If I am appointed, that will be my career because that is where I want to serve," he told the Governor. "Working in Juvenile Court – you either love or hate it. I enjoy working with children and families and working to find what is in the best interest of the child. Children deserve the opportunity to grow and develop to their fullest potential. Every child deserves that."

"From my perspective, KVC is top-notch and first class in its delivery of services and resources. The sincerity and professionalism of KVC employees is amazing. I am truly appreciative of all that KVC does on behalf of children."

Judge Mitchell feels rewarded when someone comes back and thanks him for his help. "Just this morning, I saw a young woman in court who said, 'I was before your court at age five. It was a case of abuse and neglect. I still remember that you cared what happened to me.' I just looked at her and said, 'I still care.'"

"We do make some progress. We have made some families whole." These judges represent jurists across the country who work with KVC to make strong decisions for children and families.

Judges Daniel Cahill and Kathleen Lynch along with Guardian Ad Litem Vernon Lewis welcome adoptive families to the National Adoption Day ceremonies in Wyandotte County. Robin Colerick, Judge Daniel Cahill and Angel Colerick on the day of Angel's adoption Judge Daniel Mitchell congratulates a family on National Adoption Day in Shawnee County.

Honorable Kathleen Sloan

The Honorable Kathleen Sloan will tell you that National Adoption Day is her favorite day of the year. It is on this Saturday in November that Johnson County District Court Judge Sloan finalizes multiple adoptions to bring attention to the need for more permanent families. "I feel really good about my working relationship with KVC," said Judge Sloan. "Everybody is so responsive, the case managers, the workers. If you ask KVC to do something, they get it done."

An example of that quick reaction is KVC's development of the TREAD Program. When Judge Sloan was frustrated about sending runaway girls 300 miles west to a safe facility, KVC trained key foster parents on how to care for and monitor these youth. "KVC steps forward and comes up with a good program. They are on it."

This November, along with celebrating National Adoption Day, Judge Sloan will commemorate her sixth year on the bench.

Honorable Jean Shepherd

Judge Jean Shepherd is a strong advocate for families and children. She sets high standards and makes clear her expectations of service providers in the community. She also stresses the importance of effective collaboration and continued commitment among educators and providers, including KVC. "I've seen some wonderful growth and changes in KVC since the beginning of privatization," said Judge Shepherd. "They have demonstrated a strong commitment to the children they serve."

Judge Shepherd helped establish the state's first Citizen Review Board in Douglas County. She also helped found the county's Court Appointed Special Advocates (CASA). Volunteers for both groups help advocate for abused children who have to appear in court, and the volunteers review cases and help judges decide where to place the children. After 27 years of service, Judge Shepherd plans to retire in early 2011.

Judge Sloan with the Cabbage family
Area judges spoke to parents at the annual Resource Family Conference.