

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 3, 2010, in Room 346-S of the Capitol.

All members were present except:

Representative Steve Brunk- excused
Representative Mike Peterson- excused

Committee staff present:

Nikki Feuerborn, Committee Assistant

Conferees appearing before the Committee:

Judge Jean Shepherd, Douglas County Court (Attachment 1)
Judge Burgess, Sedgwick County Court (Attachment 2)
Kelly Hogan, Kansas Legal Services (Attachment 3)
Representative Tietze, CASA (Attachment 4)
Jean Ann Udovich, Attorney (Attachment 5)
Dr. Frankie Summers, Concerned citizen (Attachment 6)

Others attending:

See attached list.

Representative Brown moved for the introduction of legislation regarding alcohol in commercial vehicles at the request of Representative Siegfried. Motion was seconded by Representative Fund. Motion carried.

Representative Brown moved for the introduction of a joint resolution regarding parental rights. Motion was seconded by Representative Kreigerl. Motion carried.

Judge Jean Shepherd of Douglas County reviewed the process of declaring a child in need of care (Attachment 1), Anyone can call SRS or the local police department to report a case of abuse or a child in need of care and either a law enforcement officer or a staff member of SRS will respond to substantiate the report. If the child is removed, there is a 48 hour time frame, not counting weekends, for SRS to investigate and make their recommendations. If probable cause is found, a hearing is held and if the child is found to be in danger or in need of care, the judge signs an order to place the child in temporary custody with an SRS agent being present. An adjudication hearing is held later. Judge Shepherd praised the community volunteers in CASA and the Citizens Review Board for their dedication to children in the court system. Such organizations have reduced the number of cases in Douglas County due to their attention, support, and preventative programs. Originally Judge Shepherd admitted she was opposed to privatization and it did hurt the Douglas County programs which were in place regarding family preservation, adoption, and reunification but they have been re-established now and work with the contractors. She promoted the need for adequate funding to continue the programs which have been successful in returning children to their homes or into permanency.

Judge Burgess of Wichita reminded the Committee that only a few of the reported cases reach the point of adjudication (Attachment 2). He said the procedure in Wichita is for the law enforcement officer called out to a scene to contact his supervisor for approval to remove the child, the social worker must contact his/her supervisor to continue in the process, and then the matter is directed to the district attorney. He stated the biggest problem in his area is service delivery. Most of the time parents do not appear at termination of rights hearings nor have such parents been willing to participate in the many programs offered prior to such a hearing. Judge Burgess described truancy as being a symptom of major problems within the home setting and that a child has never been removed from the home for truancy only. He praised the cooperative attitude of the contractor within his area due to their willingness to communicate, work towards family preservation, adoption, and other programs with cross-system teams especially in difficult cases. Due to lack of funding, the system has been reduced to using crisis management rather than preventative measures.

Kelly Hogan, Kansas Legal Services in Wichita, explained that their agency is responsible for providing a Guardian Ad Litem for a child and usually an attorney for the parents at the first CINC hearing (Attachment 3). Most of these attorneys are court appointed who lose money on cases as they are paid at the rate of \$80.00

CONTINUATION SHEET

Minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 3, 2010, in Room 346-S of the Capitol.

per hour when their actual costs top \$100.00 per hour. The money is paid from the Court Improvement Fund. In Sedgwick County a Guardian Ad Litem is paid \$35,000 for part-time and the counties are responsible for funding 200-300 cases. She recommended additional training for GAL's as attorneys are required to have 14 units of Continuing Education per year.

Representative Tietze related her experiences in working with the CASA organizations which has trained community volunteers who are appointed by the judge to provide the court with factual information about the child's future (Attachment 4). Their three main responsibilities are to serve as a fact-finder for the judge, to represent the child's best interest in the courtroom, and to serve as a watchdog during the life of the case. Their recommendations to strengthen the Child in Need of Care System are:

- Ombudsman for anyone in the system
- Increase the pool of trained GAL's
- Develop plans with local providers and other key players to ensure communication and coordinated exchange of information
- Increase resources to recruit, train and retain volunteers

Jean Ann Udovich, attorney from the Johnson County area, shared information on several cases she has been involved with regarding children being removed from homes (Attachment 4). In her opinion there should be more distancing between judges and contractors and the money aspect should be removed from the system. In response to questions from the Committee she said that there are financial incentives in privatization and many times quick judgments are made. Some of the rules should be changed especially when there are no allegations of abuse. When decisions are over-reaching there should be consequences for SRS or whatever agency is involved. She recommended improved guidelines for staff members in power in the CINC system and that they should have more supervision.

Dr. Frankie Summers presented testimony on the granddaughter being taken from their custody by the Exploited and Missing Children Unit of the Wichita Police Department and the ensuing events (Attachment 5).

The next meeting is scheduled for March 4, 2010.

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

FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: Mar. 3, 2010

NAME	REPRESENTING
Dr. Yvonne Carmichael	OBSERVER
Dr. Frank Summers	personal presenter
Erin Stucky	KVC Behavioral Healthcare
Aina Meyer Hummel	KVC Behavioral Healthcare
Halti Ruge	TFI
Steve Solomon	TFI
STEPHANIE HEIN	KU SCHOOL OF SOCIAL WELFARE
Christy Janoschek	University of Kansas - School of Social Welfare
Elizabeth Wilbreth	KU School of Social Welfare
TED HENRY	CAPITOL STRATEGICS
THOMAS WETI	KS EQUALITY COALITION
Claudine Dambrowski	KS Family Court Reform Coalition
Shardyn Drager	CASA of Shawnee County / KCA
Alisha Lampe	CASA
Dawn M. Spencer	OJA
Kellie E. Hogan	KLS
Jim Burgess	Judge
Mark Gibson	Judicial Branch

Kira Wyrick
Cara Sharpe

KU School of Soc. Welfare
KU School of Social Welfare

FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: 3-3-2010

NAME	REPRESENTING
Joan Stapp	La. State Dept of Health
Anne Duncan	CASA of Sq. County
Jen Bonnett	CASA of Sq. County
Jayne Morris Hardeman	Sunflower CASA - Manhattan
Grace Tawney	KU School of Social Welfare
Whitney Janzen Parwat	KU School of Social Welfare
Lindsay Pace	KU School of Social Welfare
Vicki Arnett	" " " "
Jessica Nelson	KU School of Social Welfare
Ashley Stites	KU School of Social Welfare
Earl Glynn	Franklin Center
Debi Hatfield	KDHE
Ashley Minden	KU School of Social Welfare
Mandy Nordyke	KU School of Social Welfare
Aubrey Loizzi	Bethany College Social Work Depart.
Colleen Estes	" " " "
Cary Wethington	" "
Renae Lynn	" "

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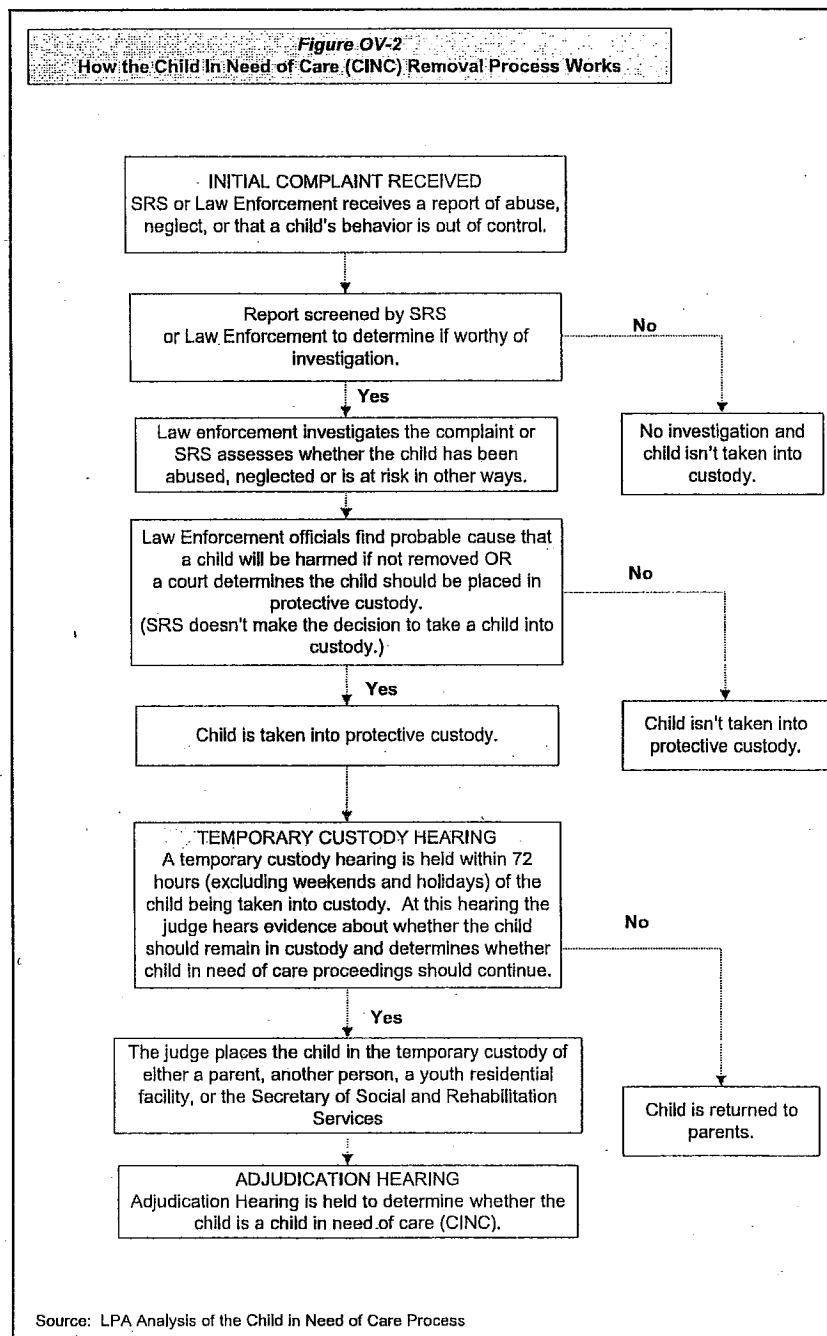
FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: 3-3-2010

NAME	REPRESENTING
Larkin Jaynes	Bethany College
David Nowlin	Bethany College, Lindsborg

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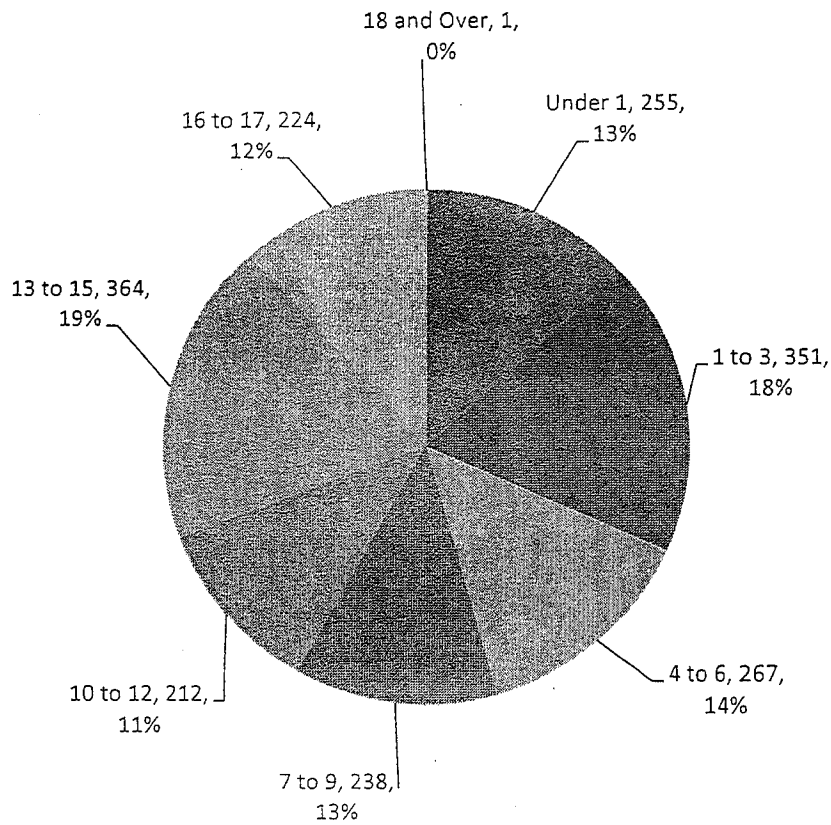
The process for declaring a child in need of care begins with the removal of the child from the family. Anyone can call SRS or local law enforcement officials and report that a child has been abused or is otherwise thought to be in need of care. Depending on when the report is called in and the circumstances of the complaint, either SRS staff or law enforcement officials will respond. *Figure OV-2* illustrates the investigative process and subsequent steps that can lead to a child being declared a child in need of care.



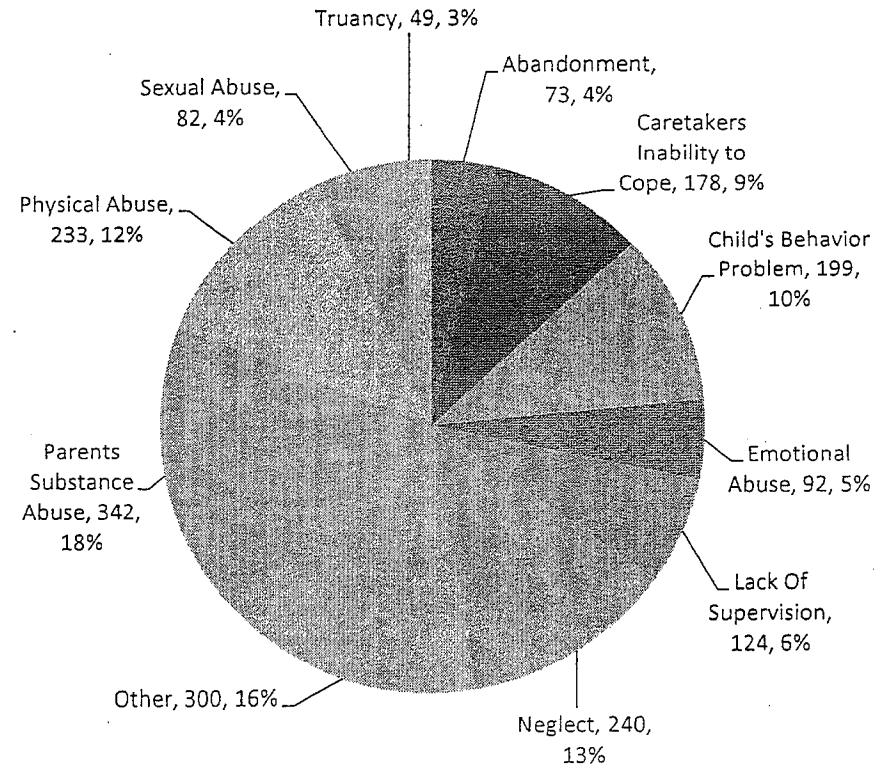
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Children Placed in Out of Home Placement by Primary Removal Reason for Removals FY2010 Removed between 7/1/2009 and 01/31/2010

Statewide Removals by Age Groups



Statewide Removals by Primary Reason



**Children Placed In Out of Home Placement by Primary Reason for Removal FY2010
Removed Between 7/01/2009 and 01/31/2010**

State Wide Totals

2-2

	Kansas City Metro	Northeast	South Central Rgn1	South Central Rgn 4	Southeast	West	Wichita	State Wide Totals
Abandonment	22 6%	15 3%	2 2%	0 0%	5 2%	17 7%	12 6%	73 4%
Caretakers Inability to Cope	25 7%	30 5%	19 16%	39 21%	17 8%	36 14%	12 6%	178 9%
Child's Behavior Problem	30 8%	49 9%	21 18%	29 16%	21 10%	33 13%	16 8%	199 10%
Emotional Abuse	28 8%	17 3%	3 3%	5 3%	5 2%	9 3%	25 12%	92 5%
Lack Of Supervision	26 7%	38 7%	7 6%	11 6%	19 9%	17 7%	6 3%	124 6%
Neglect	38 10%	56 10%	14 12%	25 14%	36 17%	35 13%	36 18%	240 13%
Other	57 15%	100 18%	23 19%	30 16%	39 18%	35 13%	16 8%	300 16%
Parents Substance Abuse	68 18%	156 28%	10 8%	18 10%	43 20%	15 6%	32 16%	342 18%
Physical Abuse	56 15%	57 10%	14 12%	18 10%	25 12%	34 13%	29 14%	233 12%
Sexual Abuse	14 4%	28 5%	3 3%	9 5%	2 1%	20 8%	6 3%	82 4%
Truancy	7 2%	15 3%	3 3%	0 0%	4 2%	9 3%	11 5%	49 3%
Totals	371 100%	561 100%	119 100%	184 100%	216 100%	260 100%	201 100%	1,912 100%

*Other includes: Alcohol Abuse by Child, Drug Abuse by Child, Child's Disability, Death Of Parent, Failure to Thrive, Inadequate Housing, Incarceration of Parents, Parent-Child Conflict, Relinquishment, and Runaway

Data Source: FACTS

**Children Placed In Out of Home Placement by Primary Reason and Age FY2010
Removed Between 7/01/2009 and 01/31/2010**

State Wide Totals

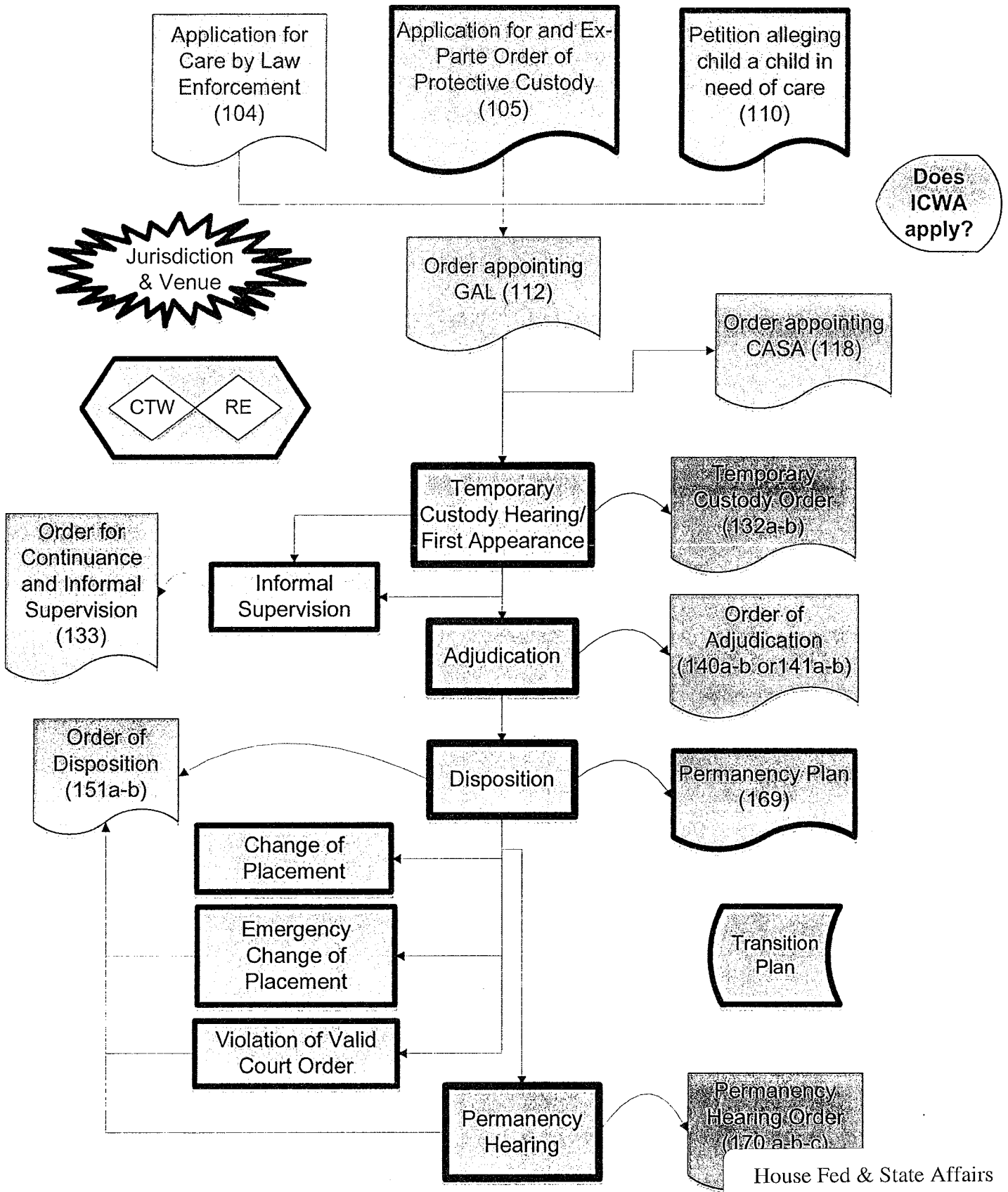
2-3

	Under 1	1 to 3	4 to 6	7 to 9	10 to 12	13 to 15	16 to 17	18 and Over	State Wide Totals
Abandonment	13 5%	10 3%	5 2%	4 2%	4 2%	19 5%	18 8%	0 0%	73 4%
Caretakers Inability to Cope	43 17%	40 11%	22 8%	15 6%	22 10%	24 7%	12 5%	0 0%	178 9%
Child's Behavior Problem	0 0%	1 0%	4 1%	14 6%	16 8%	99 27%	65 29%	0 0%	199 10%
Emotional Abuse	3 1%	18 5%	21 8%	12 5%	15 7%	17 5%	6 3%	0 0%	92 5%
Lack Of Supervision	12 5%	37 11%	31 12%	13 5%	12 6%	14 4%	5 2%	0 0%	124 6%
Neglect	28 11%	70 20%	44 16%	43 18%	30 14%	19 5%	6 3%	0 0%	240 13%
Other	31 12%	48 14%	34 13%	27 11%	18 8%	76 21%	66 29%	0 0%	300 16%
Parents Substance Abuse	90 35%	69 20%	54 20%	61 26%	42 20%	22 6%	4 2%	0 0%	342 18%
Physical Abuse	35 14%	47 13%	38 14%	24 10%	38 18%	30 8%	21 9%	0 0%	233 12%
Sexual Abuse	0 0%	11 3%	12 4%	23 10%	9 4%	18 5%	9 4%	0 0%	82 4%
Truancy	0 0%	0 0%	2 1%	2 1%	6 3%	26 7%	12 5%	1 100%	49 3%
Totals	255 100%	351 100%	267 100%	238 100%	212 100%	364 100%	224 100%	1 100%	1,912 100%

*Other includes: Alcohol Abuse by Child, Drug Abuse by Child, Child's Disability, Death Of Parent, Failure to Thrive, Inadequate Housing, Incarceration of Parents, Parent-Child Conflict, Relinquishment, and Runaway

Data Source: FACTS

Kansas Code for Care of Children K.S.A. 38-2201 through K.S.A. 38-2283



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

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HOUSE OF REPRESENTATIVES

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ANNIE TIETZE
56TH DISTRICT

House Federal and State Affairs

CASA (Court Appointed Special Advocate) and its role in the Child in Need of Care System

Chairman Neufeld and Committee Members:

The Kansas CASA Association is a statewide organization whose members are the 24 CASA programs in Kansas, each of which is a not-for-profit run by people in the local communities. The CASA is a trained community volunteer who is appointed by the judge and provides the judge with carefully researched background of the child to help the court make a sound decision about the child's future. They have three main responsibilities: to serve as a fact-finder for the judge; to represent the child's best interest in the courtroom; and to serve as a 'watchdog' during the life of the case to ensure a swift and appropriate conclusion. The CASA does not provide legal representation but does provide crucial background information that assists attorneys in presenting their cases. Volunteers do not represent a child's wishes in court but speaks to the child's best interests.

CASA was established by Supreme Court ruling to ensure that the abuse and neglect that these children originally suffered at home doesn't continue as abuse and neglect in the hands of the system. Local programs must meet certain standards which are established by the Kansas Supreme Court and are reviewed annually to insure compliance with the Courts' standards. As a not-for-profit, CASA receives funding from the Permanent Families Fund. However, for CASA programs to operate they must raise approximately 85% of their own funding through grants, fundraisers, city and county funds and some through their local United Way. CASA has been endorsed by the American Bar Association, the National Council of Juvenile and Family Court Judges, and the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice.

To qualify as a CASA volunteer, a person must do the following:

- Be 18 years of age
- Complete a written application including educational background, employment history, and personal experience with child abuse and neglect
- Provide three written references from non-relatives
- Participate in a personal interview
- Pass a records check through state child abuse registries, the KBI, and national criminal data bases
- Complete no less than 15 hours of specialized training.

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Attachment 4

The volunteer continues until the case is permanently resolved. One of the primary benefits of the program is that, unlike other court principals, the CASA is a consistent figure in the proceedings and provides continuity for a child. We personally investigate and become acquainted with the facts, conditions, and circumstances affecting the welfare of the child, visit the child as often as necessary to monitor safety and observe whether the child's essential needs are met, identify resources and services for the child, attend court hearings, participate in staffing with professionals assigned to the child to discuss case status, and participate in the development of the written reintegration plan or modification of the plan and lastly, to submit written reports to the court prior to scheduled court hearings. When a child's placement changes, their family, neighborhood, and school may also change, as well. However, the CASA volunteer remains the same.

As a child, I was a little girl who was always clean and polite. I did well in school, smiled, and played with my friends. However, no one noticed the signs that I did not have a stable home life. My mother and I moved often, we frequently had little money, and I was physically abused by her boyfriend. I was never in the state system, but I think about how my life might have been different had someone noticed. As an adult, through CASA, I have the chance to be that person for other children. In the last 15 years, I have been a CASA for 17 children and seen firsthand the value a CASA can bring to the process.

The Kansas CASA Association surveyed Kansas District Court Judges with CINC dockets in October of 2009. Thirty-five judges responded and all agreed that CASA volunteers' personal knowledge about the children and reports are beneficial to their decision making. Judges also indicated an increase in quality and quantity of information available to the court during child abuse and neglect cases when a CASA is involved.

Challenges that face the system and the children in it from our perspective.

One of the challenges we face is to make sure all those interested in the welfare of our children, such as yourselves, understand the vital role CASA volunteers play in supporting children who have come in contact with the child in need of care (CINC) system in Kansas.

Recommendations for how we can strengthen the Child in Need of Care System

- Ombudsman for anyone in the system
- Increase the pool of trained GAL's
- Develop plans with local providers and other key players to ensure communication and coordinated exchange of information
- Increase resources to recruit, train and retain volunteers.

Thank you for your time in learning about this valuable organization.

Rep. Annie Tietze

For Representative S. Mike Kieger

Mike,

The following is a summary of some of my contacts with the Child in Need of Care programs in the state of Kansas.

At this time, the case that is a perfect example of the problems with the current child in need of care system is as follows:

1. I represent a foster family who had been given initial approval from DECCA to adopt the child who had been in their care for 14 months. Once KVC took over the contract, they worked to remove the child from the care of the DECCA family and place him with a KVC family. I believe this was to avoid DECCA from receiving the adoption monies. Following the filing of a Motion to Intervene, the KVC worker lied to the Court and said that they foster family was being investigated for physical abuse. During a meeting with the representative of KDHE, it was determined that SRS had screened out the case and there were not allegations of physical abuse, only allegations of a rule violation. This meeting was tape recorded at my insistence for the protection of my clients. At the subsequent hearing, the agency workers continued to state that there were allegations of physical abuse.

The most important part of this case came out at a hearing on January 22, 2010 where the foster parents were requesting interested party status with the Court in order to have the opportunity to be involved and informed regarding the child.

At that hearing, the CPS worker testified that when she began in the case in July 2009, she had only been out of school for 1 ½ years. She decided at her first meeting with the family that she did not like the foster father. When asked if the child was thriving in his foster care placement she testified "yes according to DECCA's standards". She then took every step she could to have the child removed. In September, 2009, she was contacted by other representatives from KVC stating they had concerns over the child being spanked by his foster parents at t-ball in June 2009. This was all that the CPS worker needed. She told the KVC workers to hot line their concerns. She then contacted SRS and who said it sounded like an emergency to them. She then removed the child without any other formal approval.

After the child was removed he was placed with his brothers. Within one month, he had to be hospitalized for a week with mental health issues related to adjustment disorder. He became afraid of men, and began exhibiting the same behavioral issues that his brothers had including lying and making up stories to get attention. He is now in therapy at the age of 4.

SRS had prepared a report for the hearing regarding their recommendation that my clients not be allowed to intervene. That report stated that one of the bases was the child's reaction after a visit with my clients in the end of December. That visit never occurred. They also stated that the KDHE representative said that he had concerns regarding the foster father's explosive temper. That same

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Attachment 5

KDHE worker testified that he never said anything to SRS regarding the foster father's temper. In fact, the KDHE worker testified that the individuals that the CPS worker had told to hotline the family told him they never saw the child spanked.

When these issues were brought to the Court's attention she stated it did not matter. She did not care that the report that she was relying on was full of falsehoods. I believe that SRS should be held accountable for the reports that they prepare.

2. Four years ago I began representing grandparents of a child who was placed in foster care due to sexual abuse by her cousins in Miami County.
SRS did not want this child to ever go home to her father.
The father did everything that was asked of him through the reintegration program.
The child was placed in 7 different placements in the 22 months that she was in foster care.
 - a. The first placement was temporary to find more permanent care.
 - b. The second placement appeared to be under the impression that they would be able to adopt the child. When it became apparent that reintegration was the goal they asked that the child be removed.
 - c. The third placement had the child for about four weeks when she decided she was too much work.
 - d. The fourth placement apparently abused the child. The child nearly drowned while in their care. We understand that they lost their foster license. The details of what happened were not provided to my client or the child's father but she is now saying that she was repeatedly placed in a closet.
 - e. The fifth placement found her too difficult to work with.
 - f. The sixth placement was temporary as a family member was able to obtain a foster license and take the child.
 - g. The seventh placement was with a family member.

During the period that the child was in foster care, a worker with KVC was assigned that had received her bachelor's degree in Social work one month before her assignment. She quit when she realized that KVC was not doing what was in the best interest of the children.

3. I also represented a foster parent that was turned in by the case manager for abusing a child. I appealed the substantiation finding to the Hearing Officer and won due to the fact that it was documented that the child had previous issues with rocking which caused the bruising. In the findings the Hearing Officer made it clear that the children should not have been removed from their foster parent. In that case, the foster parents were in the process of adopting a 13month old black baby who had been in their care for 10 months. This was stopped by the removal. The baby was ultimately placed with a black family.
4. I am involved in a case out of Wichita where the maternal grandparent was awarded a permanent guardianship because the natural parent does not get along well with others. This was despite the fact that the supervising therapist and the parent's therapist indicated that

things were improving and that reintegration was an option. The parent had been working toward reintegration for seven months when his contact was terminated by the permanent guardianship. I firmly believe that the State should not step in unless there is evidence of abuse of the minor child which is not present in this case.

5. I have another case that was just dismissed in Johnson County Kansas where the children were removed from the home due to the parents not having stable housing. The family was residing with friends when SRS was notified by an individual where their daughter was staying that they did not have their own home. All four children were removed from their parents. One of the allegations was that the children were abandoned because the school did not have a working telephone number to reach them at. There is no law that requires us to have a telephone at all. One daughter was placed in foster care in Wyandotte county where she was ultimately charged with shop lifting. The older daughter came home smoking cigarettes and refusing to go to school. The family was finally released on February 8th even though they have had stable housing since April 2009 and have complied with everything that has been asked.

In each of the cases mentioned above, I find overreaching by the agencies and the Courts. The case regarding the foster parents is a perfect example of giving one person the power to not only do what she wants as it relates to child placement, but to cause potentially irreparable damage without any repercussions.

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.

Jean Ann Uvodich
Attorney at Law

Testimony for: State of Kansas
Joint Committee on Children Issues
March 3, 2010

As introduction, I am Frankie Summers, Ed.D., with an earned doctoral degree in Higher Education/Health and Physical Education. I was a former educator in both public schools and higher education. I have taught in several public schools and universities. My training as an educator included preparation as a special educator and I have taught in areas of physical education, special education, and in that capacity I taught college of education courses at three universities. I supervised student teacher positions for two universities. My last employment was as a supervisor and trainer for an organization which serves developmentally disabled individuals in northwest New Mexico. I worked as a consultant in 2007-08 to assist that organization with the quest for accreditation from The Council on Quality Leadership. The organization received a two year accreditation.

My only grandchild was taken from the custody of her mother December 26, 2003 by Detective DeShawn Larkins of the Exploited and Missing and Missing Children Unit of the Wichita Police Department with no warrant nor court order. My daughter divorced the biological father when she was five months pregnant. He had been psychologically abusive and also told her that he, "...was not ready to be a father." As she is a counselor she thought it was important to invite him to be present when the child was born; as were her father and I. This child had a most loving and adoring family until she was suddenly, traumatically and inexplicably taken by the state. We were devastated and were only informed this was in "the best interest of the child".

Late on the evening of December 24, 2003 while readying the three year old girl for bed her mother had observed an injury in the genital area. The child had been bathed the morning of that day before we took her to visit her biological father. At that time there was no observable injury to the area. On a court ordered visit the child spent from eight am to eight pm alone with her father. He told the mother when we picked her up that he alone had been with her that day and that the child appeared upset and would not eat anything that evening. My daughter and I decided for the child's sake to wait until morning to have the injury examined. The child was already upset and had some temperature, so we thought she needed a night's rest before taking her to the hospital. The child was examined at the hospital, at approximately five or six am. Then, after speaking with a Wichita Police Department officer at the hospital, we took her to Exploited and Missing Children headquarters to complete the reporting process. The child refused to go alone with Detective Larkin, a male, into an interview room, so we were asked to return on the 26th, the following day. We complied with this request. The child was still not feeling well and was too frightened to go for an interview with the detective or an SRS female worker. It was a holiday, Ms. Chandler, was not available. The child was "interviewed" by the available worker with her mother nearby.

July 2003 a previous incident had occurred while she was visiting her father. This was reported at the hospital SANE-SART unit. At that time the child was taken to the be examined in the evening at eight forty-five pm. She had reported that she spit out "Daddy". The last police questioning and reports were completed at two am. The exhausted child had fallen asleep in my arms, but the officer said they had to take her for the rest of the night to the Children's Home. Why? So, Ms. Chandler could interview her the following day. She was not returned to us until after five pm the next day because Ms. Chandler was not able to interview her until 4:30 nm.

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Attachment 6

We wanted a thorough investigation to put an end to and to verify what our child had been subjected to while in the care of her father. We had hoped the removal this time would be overnight as it was in July. At this point the father had only been questioned by telephone. When the father was called in and questioned, with his consent, the audio/video of that questioning revealed what other legal consultants have considered to be damning disclosures. Yet, Judge James Burgess refused repeatedly to allow or admit that testimony into evidence in any hearing held in his court.

My daughter was not allowed to see her daughter until January 17, 2004. We retained an attorney to represent us. We requested that the child be returned as soon as possible. Both my daughter, a school counselor, and I, a special educator and reading specialist had to return to our employment in the Gallup, New Mexico public school system. My daughter was given temporary leave to attend the hearings and visit with her daughter. She eventually had no option but to resign her most financially lucrative position to date and move back to the Kansas area to be near her child and the proceedings in the juvenile justice court. This involved also selling her newly purchased home. From the time of our move to New Mexico, when the child was 10 months old, they lived with me in my home until purchase of their home. I also kept my grandchild quite frequently and we attended church together.

The state and the court here in Kansas were insisting that this was a child in need of care case. It was a case of sexual abuse. It should have been prosecuted as such. The social worker, Lori Chandler had completed the initial form as a substantiated sexual abuse case. We got a copy of the filing from the court. Later, when our attorney received his copy, the box for marking substantiated was not marked. I still do not understand why this was not a case for pursuit in the family or criminal court on the foundation of domestic abuse and sexual assault. And, if as the father, claimed it was a custody matter then it still should have been a matter for the family courts. This was also what four attorneys expressed as their opinion this matter.

This brings me to some of my questions. Why put cases into juvenile justice court, is it to shield and protect the child? Or, perhaps is it for the lack of transparency and the ability to cover deficiencies in the system. For thousands of other parents, grandparents and most certainly for the post traumatic stress imposed on the children; this system, as it has been operating for far too long is an absolute travesty of justice. This is also the title of the book I am writing about the dreadful and irreparable harm done to children and families across this state and indeed across this country.

The social worker, Lori Chandler, explained it was her opinion, that the mother was not able to protect the child since she took her to visit the father. If Ms. Chandler had done her investigation she might have been aware of the New Mexico order, I was present when Ms. Chandler was told of this by my daughter. Had she not brought the child for the two ordered visits, in July and December 2003, she would have been in contempt of the New Mexico court. Judge Foutz ordered the visits be only during the day, so the child would safely be with her mother overnight. For the life of me, I cannot find the logic in one thinking a child can only be harmed by an abuser during nighttime hours, or the cover of darkness.

A hearing was scheduled and we believed the child would soon be returned, but hopes were dashed as the judge in the case made allegations against the mother within the first fifteen

minutes of the very first hearing that perhaps this was a case of Munchhausen-by-Proxy. This exhibited bias against my daughter with no foundation. Later the judge appointed a child psychologist to do an evaluation of the case and the child.

We were assured by counsel that this psychologist for the preschool age child was among the most highly respected psychologist in the state, Jeanne Erickson, Ph.D. The report and recommendation by the psychologist to the court was that the child had more likely than not been the victim of sexual abuse and that she did not believe it was the mother. This victim of sexual abuse should be immediately returned to her mother and only be seen by her father in supervised visitation. Dr. Erickson testified that not only had the child been traumatized by the abuse, she had been threatened by someone to not tell or those she loved might wind up in a coffin. A child of this age could not concoct such a tale and most three to four year old children do not have knowledge to conjure such a tale involving coffins. The SANE-SART nurse verified in her testimony the suspected abuse and the injuries to the child; as did, a therapist who had treated the child for the previous year while she was still in New Mexico. All three of these witnesses were ignored by the court. And, likewise ignored was the failure of Detective Larkin to have the clothing examined or tested. After conclusion of the hearings, when our family requested the return of these items of evidence we were informed that they had been disposed of by Detective Larkin. Our family requested DNA testing and offered to pay for it, this was never done.

We had requested that the child be in relative, or kinship placement until this entire matter could be resolved, we were informed at that time that the grandparents and the child's uncle had passed background checks. When we asked what else was to be done we were told that was all they, SRS, would be requesting. So efforts for true reintegration with our family were never pursued past background checks. Our family had been the primary loving, bonded family this child had known for her first years of life. Now, we were not even given consideration as caregivers, she was instead placed in six or more foster placements with strangers. We were only allowed infrequent supervised visitation. We had to watch the initial joy in her expression at seeing us, turn to hurt and pain of not understanding when we had to leave her at the end of the visitation. Soon after that the foster father was reported as driving under the influence, by a concerned citizens in his community. One worker at this same contractor told us we should not cry at departures or show emotion around our child.

I had returned to my employment and my home in Gallup, New Mexico and when hearings were scheduled in the Sedgewick Juvenile Court I drove nine hours to meet family in Southwest Kansas and traveled five more hours on to Wichita. I also arranged to participate in the training for caregivers in New Mexico just to ensure I might be considered as a placement. I most successfully completed the eight weeks of training. Yet, SRS refused to consider me as a placement even though I had been the other primary caregiver of my grandchild for the first three years of her life. I had previously, been trained and served as a CASA volunteer in southwest Kansas. Never again, as that organization was of no assistance to my grandchild. The Sedgewick County CASA informed me in February, eight months before the child was placed with her father, that the district attorney's office told them that reintegration was already determined!

All efforts were made to meet all criteria of SRS and the court by my daughter; with the

exception initially that she declined to write a letter of apology. Why should she write a letter to a three year old for trying to protect her? She was advised by her attorney to not do so. When she did write the letter of apology, it was rejected by the court. Even when she revised the letter with the help of her counselor to make it more brief, the court refused to accept it. Soon after that, the second appointed psychologist by the court ordered my daughter's counselor to step down as her therapist. Subsequently, my daughter was told she could only choose as her therapist someone the court and Dr. Hawthorne approved.

In the fall of 2005 my daughter telephoned to inform me by the current foster parents had notified her that my grandchild had been diagnosed with Human Papilloma virus, also known as HPV. Lily's mother was tested and proved to not have the HPV virus. Through attorney we asked that the father be tested for the virus, but the father refused to be examined for this sexually transmitted disease and the court did not order it done.

I could list an extensive number of incidents that raise deep concern about the training of contractor employees. Too many examples of inadequacies and failures to complete required paperwork and to carry-out their work in a professional manner brought strong concerns about adequacy of the training of social workers and contractors for their jobs.

My daughter and her attorney were given an agreement by the father's attorney, this coercive "agreement", (already signed by Judge James Burgess), stated that if she agreed to all their restrictions she would have her daughter every other weekend and on alternating, specified holidays. She also has her daughter for two months during the summer. This agreement was to replace the parenting plan that had previously been agreed to when my daughter was assigned primary custody at the time their divorce was finalized after she moved to southwest Kansas and then New Mexico. One of those restrictions was that she could not take her daughter to a physician for any reason other than an accidental broken limb or profuse bleeding from a cut. Nothing in my life has been so painful as being kept from my precious granddaughter. Through notes and cards she has sent to me, I am aware she is likewise suffering from this forced separation.

After seeking consultation from five attorneys, the last one my daughter consulted informed us that we were, "... going up against some very powerful and influential people and he did not have time to take such a case." This was immediately after this attorney had consulted with the father's attorney. One can only conclude that money, power and influence can trump justice and "the best interest of the child"!

In conclusion, I want to sincerely thank the members of this committee for their diligence in pursuit of a better system of child welfare and as some states have already learned the best system is to work with and support the families who love and care for these children. Give support to the families who really want THE BEST FOR THE CHILD. These families are not pursuing the highest monetary reward from federal dollars. I suspect that highest dollar financial incentive maybe a prime motivator for the contractor. Please do give credence to the well-researched and unbiased investigators, such as Richard Wexler, Ph.D., Director of the National Coalition for Child Protection Reform as he has no financial incentive driving his research. On the website, www.nccpr.org, his report about the State of Kansas is found under the title of "RETURN OF "THE CRUELTY"-Why Kansas Child Welfare Is Broken-and Fifteen

Ways to Fix It". This report, which I have already shared with some of the committee members, is available on that computer site and I strongly encourage each member to read in its entirety. One segment states, " NCCPR has maintained for years that the initial court hearing after a child is taken away by caseworkers or police officers, acting entirely on their own authority, almost always is a sham. But it was a shock when the deputy district attorney in charge of child abuse cases in Sedgwick County actually admitted as much-though only in other counties, of course. Given the current structure of law and lack of real representation for families, how can it be otherwise? "And in some cases , judges seem unaware of the harm of sundering family. Thus, Judge James Burgess says that rubber-stamping a removal even when SRS hasn't provided all that much evidence to make its case is "a no-brainer".

It is most unfortunate that my research and investigation, as a very dedicated searcher for truth, has revealed the current child support system has failed families across this state. Judges are even more of a troubling factor in this equation if they can not be held accountable because they hide under the blanket of obscurity and lack of disclosure. It is my humble opinion that this concealment is not a protection for the child or families, but for the SRS and the contractors. It is my opinion that the same accountability that is being now called for from banks and Wall Street scions of finance, should be required of judges. They like all of us should be held accountable for abiding by; and not for reconstructing, the law. Parents and families have a right and an obligation to protect the child, even if it from another parent, and from pedophiles. It would appear to most families having experienced this system, that the function of these agencies is to orchestrate means to make the most profit from federal dollars for the people who purport to be interested in protecting the welfare of the child. Who protects the best interest of the child? Who protects the family structure from such a failed system? I pray that this will be the time our legislature steps forward and corrects these ills. Oversight, the check and balance is needed.

My very sincere appreciation for the opportunity to present my personal testimony,

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