

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 8, 2010, in Room 346-S of the Capitol.

All members were present except:

Representative Rob Olson- excused
Representative Mike Peterson- excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes

Conferees appearing before the Committee:

Steve Solomon, TFI: Tracking and Management, The Farm (Attachment 1)
Dusty Buell, United Methodist Youthville: Outcomes and Progress (Attachment 2)
Janet Kado, LMSW, Satanta District Hospital (Attachment 3)
Modia L. Evans, Regional and State Youth Advisory Council; (Attachment 4)
Rachel Perkins, Regional and State Youth Advisory Council (Attachment 5)
Richie Bazaruto, Regional and State Youth Advisory Council (Attachment 6)
Mark Gleeson, Director of Trial Court Programs, Office of Judicial Administration (Attachment 7)
Don Jordan, Secretary, SRS

Others attending:

See attached list.

Steve Solomon, Director of Public Policy for TFI Family Services, explained their role as a contractor in SRS Regions I and II in providing reintegration/foster care/adoption (Attachment 1). He discussed the importance of the comprehensive data tracking and management system as a way of measuring outcomes. Professional staff in direct service and management positions use data as guidelines for tracking activity, focusing action, monitoring progress, documenting performance, supporting decisions, and demonstrating accountability. He noted that additional oversight is needed in particular areas but not overall in general. When questioned by the Committee regarding the extreme growth of the company in five years, Dr. Solomon explained that the growth was due to expanded services in behavioral health and the juvenile justice authority. He agreed to provide financial information on the company's growth, investments, and expenditures.

Dusty Buell, Director of Public Policy for Youthville, testified that their agency currently holds the child welfare foster care/permanency contract for Region 5 which includes all of Sedgwick County (Attachment 2). He reviewed their quality assurance measures which drive process improvement. At this point there are adequate beds for all children who have been screened and placed in residential settings. Contractors bid s are very competitive for these contracts and he was definitely in favor of the larger contractors as it was more efficient to deal with one contractor in an area than several smaller ones. In answer to questions regarding kinship care, Mr. Buell suggested that parents who are having their children removed from their homes provide the authorities with at least three names of kin who might be willing to care for their children until they can be placed. Mr. Buell presented the Committee with a comparison of outcomes before and after privatization of the child welfare system.

Janet Kado, a licensed social worker and mental health therapist of Satanta, presented her testimony on the problems of contractors and the purported reasons for this in the southwest part of Kansas (Attachment 3). Parents are forced to be involved with too many different agencies when working their way through CINC cases and the courts. Communication has proven to be difficult and there are constant adjustment issues for families when dealing with so many different departments. The staff does not communicate well with each other and rely completely on paperwork which may or may not be timely or complete. Family preservation "is a joke" as court reports are late, there is a huge staff turnover, and there appears to be a lack of commitment on the part of parents who are sometimes just tired of being parents. Her recommendations included termination of rights earlier and putting the child in permanency as soon as possible. Ms. Kado has worked in both arenas, with contractors and with SRS prior to privatization. The SRS method worked best in her area as the social workers in the rural communities knew the school systems, the foster parents, the birth family, and the children. One case worker attended the family throughout the process and now with all the different areas within a contractors genre, no one takes the blame for a lack of success. She recommended

CONTINUATION SHEET

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child welfare be handled in a more personal and at the local level.

Modia L. Evans, President of the Kansas Youth Advisory Council for the second year, shared her experiences in the foster care system in which she has aged out (Attachment 4). She requested foster care through SRS custody and testified on the positive outcomes of her being in foster care. She has become involved in the Kansas Youth Advisory Council and is an advocate for youth foster care tuition waivers. Their motto is "Nothing about us without us." Modia is now in college.

Rachel Perkins was placed in foster care when she was ten years old due to neglect and physical abuse (Attachment 5). Even though she went through a very rebellious time in her life and has been separated from her siblings, she testified that being in foster care was the best thing for her. She praised the programs which have taught her how to be a good parent and show the love and affection which was not offered to her as a child. Rachel attends Youth Advisory Council meetings and spoke highly of their mission and resources they offer foster children. Ms. Perkins praised the caseworkers of the contractor who handled her foster care program for their continuing interest and support. Caseloads for these contracted staff are in the 25 range rather than up to 100 cases within the SRS system.

Richie Bazarro, Chair of Region 3's Regional Youth Advisory Council, has been in the foster care system for six years (Attachment 6). He spoke of the very supportive caseworkers he has had both at The Farm and with SRS. There has been a dramatic change and improvement in the system since he first entered state custody. Richie will be entering K-State this next fall and the caseworkers will follow him through college. At one point he was in the JJA system and the transition into foster care was without event or trauma. The Youth Advisory Council is considering requesting that age 21 be considered "aging out" but only for those who want to remain within the system. Currently the aged out client can move out of the foster home and the case worker will visit once a month. The contractor will pay the rent but the client is required to pay his/her bills in order to show responsibility

Secretary Jordan said he meets with the Kansas Youth Advisory Council and has helped them in developing a strategic plan with a list of what they considered needed improvements. In response to Committee inquiries, Secretary Jordan agreed to investigate the circumstances of the Carpenter and Dilley cases which presented last week. It was suggested that additional education in the court systems be made available to contractors, case workers, and supervisors. The Secretary requested that representatives who are asked to intervene on behalf of parents in CINC cases ask the parents to sign a release of information on the situation so investigations can proceed in a more timely manner. This confidentiality form available is on line.

The Secretary testified that there were 1600 adoptions this past year with only three percent not working out. Cases of foster care and other cases within the system are reviewed every six months and every twelve months in a permanency hearing. The goal is to have every child in permanency within 24 months. In response to questions regarding aging out, this could be extended to age 21 if a transition plan is in place regarding waivers and medicaid eligibility. The state received more than 50,000 reports of child abuse and neglect this past year and in the investigations, the path that leads to the least harm to the child is always followed. Kansas is committed to having children live with their natural families if this is at all possible. SRS is currently working through fostering connection with grandparents.

Mark Gleeson, Office of Judicial Administration, offered testimony regarding the federal Court Improvement Program which has been funded since 1996 (Attachment 7).

Written testimony was offered by :
Kathy Winters (Attachment 8)
Matthew I. Fraidin (Attachment 9)

The next meeting is scheduled for March 9, 2010.

The meeting was adjourned at 3:25 p.m.

FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: Mon 8, 2010

NAME	REPRESENTING
Janet Kado	Self
Janaya Kees	SRS
Clara ...	Kansas Family Burial Home
Arlene Kaults	with Janet Kado
Ed ...	OS.
Steve Solomon	T.I.
Joe Mesimann	DACA
Linda Latendresse	TFI RVAC advisor
Janet Metzger	SRS
Robert Clout	DACA - Youth rally
Janice Ross	KCSL
Debi Harfield	KDHE
Kathy Wendler	
Trudy Lucine	ICCSL
Melissa Ness	SFCS
Bruce Lutz	Childrens Alliance
TK Shively	KLS

TFI Family Services

Building Brighter Tomorrows for Families and Children

The Role of Data Systems in the Kansas Child Welfare System
House Federal & State Affairs Committee
March 4, 2010
Steve Solomon, Director of Public Policy
TFI Family Services, Inc.

I am Steve Solomon, Director of Public Policy for TFI Family Services. TFI is a Child Placing Agency, licensed by Kansas Department of Health and Environment. We provide sponsorship to approximately 700 licensed foster homes throughout the state, providing homes to over 950 children and youth. In addition to our foster home network and a variety of other programs, TFI is a Child Welfare Community Based Service Provider under contracts with the Kansas Department of Social and Rehabilitation Services. The contracts are for the provision of Reintegration/Foster Care/Adoption services for children and families in SRS Regions I and III. In total, approximately 2000 out-of-home children and youth and their families are served in these contracts. On a given day, TFI serves approximately 4000 children and youth throughout the state.

I want to provide a brief overview of one of the critical features of the child welfare system in Kansas: The Role of Data Systems and Information Management. Together, the five primary contractors represent a comprehensive electronic network for data collection, tracking, dissemination, and analysis that produces information necessary for accountability, program improvement, and most importantly, delivering the most effective care we can to children and families in Kansas. It is my job today to give you a glimpse of the application and value of this network and how it has contributed to the success and continuing improvement of the child welfare system in Kansas.

We operate in what has been called a Managed Resource System. The primary challenge is to provide the services and perform the activities to meet the needs of children and families—no more, no less. This objective must be accomplished within the limits of given financial parameters and service delivery standards. A comprehensive Data Tracking and Management System is premised on the idea that what gets measured, gets done. Data does not make decisions. Professional staff in direct service and management positions use data as guidelines for tracking activity, focusing action, monitoring progress, documenting performance, supporting decisions, and demonstrating accountability.

There are many things that must get done and there are many activities that must be supported by this system. The partial listing below is intended to reflect the primary areas that are served by our data systems.

House Fed & State Affairs
Date: 3-8-2010

Attachment 1

www.the-farm.org
Locations State Wide

A nonprofit agency accredited by Council on Accreditation of Services for Families and Children, Inc.
A member of Child Welfare League of America • Children's Alliance of Kansas • Missouri Coalition of Children's Agencies • United Way of the Flint Hills

Child Placement Agency License No. 766-009

Services

We know where our children are, we know what type and level of care they are currently receiving, and we know what to anticipate to be able to move children and families through the system. We can quantify level of functioning for both children and parents and communicate expectations for change and measure whether or not necessary change is occurring. Comprehensive tracking of activity helps us determine the fidelity of these activities or lack thereof with preferred or evidenced based practice. When discrepancies are observed, changes can be made.

We have systems that profile foster homes with regard to placement preferences, willingness to receive youth with varying degrees of behavioral issues, ability to accept sibling groups, openness to receive children of different ages. This is especially important as we receive a child into care because the initial placement must be made within 4 hours of the referral. We want to avoid placement moves and so we seek the most optimal setting possible as soon as possible. If at all possible, we want youth placed with relatives or kin, we want youth placed with their siblings, and we want youth to be able to continue attending their current school.

Outcomes

Data systems have prepared us to respond to and demonstrate progress with federal requirements. While we have experienced a good deal of success with our federal audits, we continue to strive for improvement. Outcome data tells us where we need to focus our attention for improving our performance.

Accountability

We measure many valued objectives in this system of care: including, keeping children safe while placed out-of-home, placing children with family if possible, keeping children in their schools, keeping siblings together, returning children safely home expeditiously, and, if necessary finding and engaging adoptive families. Outcome reports reflect achievement or need for improvement in these areas and more. We accept the responsibility of being held accountable for those specific areas that might be of most concern and for the overall pattern of performance.

Target Individual Cases

Individual scenarios or anecdotes also help point us in important directions. Positive system change is made possible when reliable information is gathered appropriately across various circumstances and experiences. The more we can quantify the experience or happening, the more we can explore the need for change and the impact of any effort that may be made.

Staff

As we observe our performance in general, we can also drill down to the individual staff level. We can pinpoint staff who demonstrate special achievement or strengths and we can recognize and reinforce competence. Conversely, we may identify need for more training or special supervisory focus for some staff or for purposes of general service or activity improvement.

Our data systems include the potential of tracking staff time. By reviewing how staff time is allocated across service activity and administrative responsibilities, we can optimize a focus on those activities we know are most likely to generate desirable outcomes for the families we serve.

Resource management and budget

As noted above, we operate in a Managed Resource System and it is essential that we keep on top of the cost of doing business. We continue to seek ways of improving services, achieving outcomes, and shaping the most efficient system to meet the complex needs of the families we serve.

Recommendations

Collaboration and Planning :

Meeting the needs of the children and families served in the child welfare system requires the involvement of many systems of care and institutions in the community. The court system, law enforcement, health care providers, the education system, residential service providers, shelters, mentoring programs, community developmental disabilities organizations, and community mental health centers are among the many to be recognized. In addition, it is important to acknowledge that public policy makers play a key role in promoting the most effective system possible. As the system matures, it is essential to reinforce the need to bring system representatives together to work on behalf of their common task: to assure the safety, wellbeing, and permanency of children in the child welfare system.

Promoting Practical Research:

We have learned a great deal over the course of the fourteen year process establishing this private/public partnership. The essential task of this process of course has been to provide the most effective care at the optimum cost. However, as we have developed the wide variety of service delivery and accountability aspects of this system, we have made many practical applications of best practice guidelines that are in line with the values of Kansans in communities across the state. With sufficient time and resources to allow us to step back and catalogue these "applications" we would have the opportunity to contribute significantly to the literature for improving child welfare systems across the country.

Opportunity for Resource Enhancement from External Sources:

Kansas has an opportunity to communicate its success as it achieves high marks in its federal reviews and in dialogue with systems in other states. While the immediate future does not auger well for enhanced resources, we might prepare ourselves to look to additional resources at the national level or in the private sector. We have the data to support our confidence and are prepared to share it.

Respectfully Submitted,

Steven J. Solomon, PhD
Director of Public Policy, TFI Family Services, Inc.
steves@the-farm.org
913-755-1741



Building Brighter Tomorrows for Families and Children

February 24, 2010

Representative Melvin Neufeld
Kansas State Capitol
300 SW 10th Street, 390-W
Topeka, KS 66612

Dear Representative Neufeld,

Due to your vested interest in children and families, we wish to draw your attention to one of TFI Family Services, Inc.'s recent achievements. We are pleased to announce that our agency has achieved Hague Accreditation through the Council on Accreditation, and consequently will be offering international adoption services in early spring. Below you will find more information detailing this notable accreditation as well as its impact on TFI Family Services, Inc. and the communities we serve.

TFI Family Services, Inc. Achieves Hague Accreditation, Paving the Way for its International Adoption Program

Statewide, Kansas, February 16, 2010 – TFI Family Services, Inc. has received notification that it has achieved Hague Accreditation through the Council on Accreditation (COA) as authorized by the U.S. Department of State, according to an announcement made to the organization's Chief Executive Officer, Peggy S. Martin. TFI Family Services, Inc. provides child welfare, behavioral healthcare, and community-based services in service locations throughout the state of Kansas.

Hague Accreditation attests that TFI Family Services, Inc. is in substantial compliance with the Hague Convention Accreditation Standards. The Hague Convention is an international treaty created to ensure that intercountry adoptions are in the best interests of children and to prevent abduction, exploitation, sale, or trafficking of children. In 1994 the United States signed this treaty and agreed to develop regulations and a monitoring process for adoption serviced providers in the U.S. that worked with agencies in countries that signed onto the Convention.

Congress passed The Intercountry Adoption Act (IAA) in October 2000, which serves as the implementing legislation for the United States. The IAA names the U.S. Department of State (State Department) as the Central Authority for the United States and the federal agency responsible for implementing the Convention. The IAA requires agencies and persons providing adoption services in cases involving Convention countries to be accredited or approved. In July, 2006 the U.S. Department of State named COA as the only national accreditor for adoption service providers under the Hague Convention.

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Founded in 1977, COA is an independent, not-for-profit accreditor of the full of the continuum of community-based behavioral health care and social service organizations. COA's mission is to partner with human service organizations worldwide to improve service delivery outcomes by developing, applying, and promoting accreditation standards. COA envisions excellence in the delivery of human services globally, resulting in the well-being of individuals, families and communities.

COA is endorsed by leading consumer and professional groups and by many regulatory bodies and managed care organizations. COA is sponsored by the Alliance for Children and Families, Association of Jewish Family and Children's Agencies, Catholic Charities USA, Child Welfare League of America, Children's Home Society of America, Employee Assistance Society of North America, Foster Family-based Treatment Association, Joint Council on International Children's Services, Lutheran Services in America, National Council For Adoption, National Foundation for Credit Counseling, National Network for Youth, National Organization of State Associations for Children, Prevent Child Abuse America and Volunteers of America.

COA's supporting endorsers include the following organizations: American Association of Children's Residential Centers, American Network of Community Options and Resources, Child Welfare League of Canada, EAGLE Program of the United Methodist Association, Mental Health Corporations of America, Inc., National Alliance for the Mentally Ill, National Association of Family-Based Services, National Association of Psychiatric Treatment Centers for Children, National Association of Social Workers, National Association of State Alcohol and Drug Abuse Directors, Inc., National Association of Therapeutic Wilderness Camps and National Council for Community Behavioral Healthcare.

ABOUT TFI Family Services, Inc. –TFI Family Services, Inc. a private, nonprofit organization that is dedicated to doing what makes sense for children and families through a diverse range of behavioral healthcare and child welfare services. TFI Family Services, Inc. seeks to adhere to the highest standards of ethics and best practices in order to best serve youth and families; thus, having achieved the Hague Accreditation, TFI Family Services, Inc. is pleased to offer international adoption services. We are currently accepting applications, and we will begin processing after April 1, 2010. TFI's International Adoption Department will be working with multiple countries in different parts of the world as well as other adoption agencies in the U.S. to provide quality services to families. If you are interested in International Adoption, please call 888-865-8964 or email internationaladoptions@the-farm.org. Visit TFI's website at www.the-farm.org to learn more.



Chairman Neufeld and Members of the Committee:

I am Dusty Buell, Director of Public Policy for Youthville and I would like to first thank you for the opportunity to be here today. I will keep my testimony brief.

Youthville is one of the largest nonprofit, child welfare agencies in Kansas, specializing in foster care, adoption, psychiatric residential treatment and counseling. Youthville is a faith-based and mission driven organization. Our agency meets the needs of children and families by providing services throughout the state of Kansas. We currently hold the child welfare Foster Care/Permanency contract for Region 5, which includes all of Sedgwick County.

We appreciate the great challenge placed before our state and the hard work you all have ahead of you. I am here today as a strong advocate for some of the most vulnerable children in our state. I am not only here as a representative of Youthville, but more importantly a representative of Kansas' Child Welfare System as a whole.

As you have heard, Kansas has one of the best systems in the country. We have made great strides collectively as a state, and I am proud to be a part of a system other states look at when trying to find better ways to improve how they provide child welfare services.

I would like to share in some detail a few key areas within our child welfare system.

Quality Assurance

We have many layers of quality assurance measures in place that drive process improvement. We continually use data reports to drive our quality improvement. We have a separate Quality Management department that provides our internal checks and balances. Externally, we have reviews from KDHE, SRS and each of the contractors is required to be nationally accredited, whether it is from The Joint Commission (TJC) or the Council on Accreditation (COA). In order to become and maintain our accreditation, we are held to very rigid standards of excellence.

Outcomes data collection and reporting is standardized to provide consistency and enable comparison on a statewide basis, by SRS and Contractor Regions. In addition the foster care system is reviewed by the federal Administration of Children and Families through Children and Family Service Reviews. It is through these reviews, we are able to compare ourselves to other states, which has shown we rank very favorably throughout the nation.

Working with Families and Community Partners

Navigating through the system can be very difficult for the families we serve. We acknowledge there needs to be more support for those families and we all try and work with them in order to achieve the best outcomes for the children and their families. I know that every region has different measures of family involvement. At Youthville, we have implemented third party volunteers which has stemmed from a partnership with The Sunflower Coalition. We are working with this group in an effort to utilize their knowledge of the system within the case planning process.

GIVING CHILDREN BACK THEIR CH

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House Fed & State Affairs

Date: 3-8-2010

Attachment 2

Testimony Outline

09-1989 to 12-91: Worked for SRS-Ulysses

1-1992 to 5-2003: Worked for Court Services-Grant, Haskell, & Stanton Counties

6-2003 to 4-1004: Worked for Ulysses Area Mental Health Center-Child Caseworker Coordinator

4-04 to present: Works as a Domestic Mediator

6-2005 to present: Works for Satanta District Hospital and provides mental health services to all population.

When working for SRS the following were beneficial:

- Working directly with the parents and their children to reintegrate back home
- Licensed our foster families and worked directly with them- got to know them
- Knew where the foster children were at and parents had regular visits
- We wrote our own reports to the court and we had firsthand knowledge how the parents were doing and how the children were doing in foster care.
- Parents were involved in counselling with their children to help resolve the issues as to why their children were in foster care.
- Parents received family support/services directly from a support work as well as that social worker who was working with that family/foster child
- Had monthly and sometimes bi-monthly visits with the foster children
- Had weekly or bi-weekly visits set up with parent and child, especially if that child was an infant
- Knew our communities and the resources available
- The communities knew that they could call the local SRS office and have a collaborative team effort on the child and family.
- Foster children were placed in local foster homes or maybe 30 -45 min. away from where their parents were.
- Social worker would go to the foster home if there were issues and helped resolve issues instead of moving the child again without looking at the reason why
- Worked with the adoptive children and foster family to prepare them for a possible adoption.
- The school system worked better and accepted foster children more openly because they were local children instead of those from Wichita, Salina, Topeka, etc.

* Kids placed into custody, we had a foster family already contacted just in case the child was put into custody.

Problems working for SRS were:

- Lack of man power at times
- Rules/Regulations changed frequently (through the State's level)
- Some parents just were tired of being parents and wanted them in SRS custody
- Some judges placed children in custody to help them get through college
- Adoption resources were limited in Southwest Kansas Area
- When we had bad foster families, the state did not assist in taking the foster license away from these parents.

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Attachment 3

- Even though the communities like having SRS local, they at times expected their problem to be fixed immediately
- Court system like to have control over the system by demanding orders that were impossible to carry out at times
- Court system would drag a CINC case out forever, instead realizing it was time to sever the parental rights (even when it was changed to 18 months)
- Court systems returning some children back home when there was sufficient information to show that child was still in danger

Problems with the Contracting Services:

- Too many agencies involved
- Lack of communication between agencies and even workers in the same office
- Placing children in foster homes that are several hours away from their parents
- Inconsistent visitation with foster child
- Limited to no visits with parents
- Lack of follow up with child's counseling, medication checks, and family counselling (however didn't happen very often with family)
- Difficulty matches foster child with foster family due to lack of personal knowledge about the foster family (I had to find a placement is their excuse or this was the only one I could find)
- Parents feel like they are treated badly and not respected
- Family preservation services are not consistent or the worker doesn't even show up
- Don't get to know the parents or children while in custody, which creates the child to continue in the system
- Lack of support for the parents who are wanting to get help and make changes in their home
- Don't get reports done in a timely matter for Court or given to SRS
- Children that are up for adoption don't get prepared and I believe they are heard when they discuss adoption with them.
- More disturbed and difficult children in the system
- More disrupted adoption placements due to lack of pertinent information to adoptive family prior to adoption or some foster parents don't want to let go of that child and are not honest about the child
- Huge staff turnaround at all different levels of employees; secretary to a family preservation therapist
- No one wants to take responsibility for their mistakes example: Call SRS, so you call SRS and SRS says you need to call St. Francis Academy; and it goes back and forth and very confusing to those who are directly involved in the system
- Tells adoptive parents there are no resources for them because they are their child now
- Our local SFA had a case in Stanton County, where there were 2 boys in custody; and SFA took forever to get their responsibilities completed, the District Judge dismissed the case and placed the children back into their mother's custody. This mother had not completed anything for SFA or SRS. Thank goodness for their grandmother who recognized that these boys needed a good home; and legally the foster family who they

had been living with adopted these 2 boys. This seems to happen a lot since we have had contracting services in Kansas. I did the adoptive home study; and this how I obtained this knowledge on these 2 boys.

I believe that when the state places these children into custody no matter what age they are the system needs to look at these factors:

- If the child has been in custody for 18 months and the parents truly has not work on the reintegration plan go for severance so these children can have a stable home as soon as possible
- Prepare and complete a thorough background check on foster families before licensing them to prevent abusers and poor quality homes. We make adoptive parents jump through all these hoops, why not foster families?
- Match the children to a foster home that meets their needs to reduce multi placements
- Work with the birth parents fairly and respectfully so they don't feel frustrate and they have lost control of being that child's parent
- Be consistent and regular with visitation with child and parent/child visits
- Be honest with the birth parents, foster parents, and the children so there are no surprises
- If the child is going to be adopted, explain that process, prepare them, listen to them (if old enough), and help them work through that loss of their birth parents and extended family members
- Prepare adoptive parents with reality vs stories that have been buffered to get people to become adoptive parents. Revise the MAPP program for adoptive and foster families
- If there is an infant that is going to be adopted make it a priority so that that infant can bond and learn to trust that family. There is small window of opportunity when adopting infants because their brains are awesome how they develop. Older children's brains have been wired since infancy, so they will have a more difficult time wanting to attach or feel they can trust that foster family or adoptive family
- Educate our judges when they hear CINC cases because they are the ones who make the decision to return the child home or not; and at times they return children back to a very unsafe environment. This creates that revolving door for these children in and out of the system, to now they are system savvy!
- The court system needs to be educated on how to treat birth parents period because SFA has already made it clear these parents shouldn't be parents; and the court continues with that misconception. I have seen it in my profession and I have personally experienced it.
- If continuation of contracting out services, the agencies, employees, and SRS need to develop a better way of communicating with each other because with my experience professionally and personally they do not communicate. Example: A boy was recently placed back into foster care after the adoptive parents could not handle their behaviors and this boy now has a different social worker because is now back into the adoption arena. The foster care social worker and the adoption foster care worker have not discussed this boy's case and situation; so now this child has to start all over again and

he is system savvy. That means he can manipulate this new worker because she has not been told about his history since being placed back into foster care.

I realize that the system can't be perfect and meet everyone's needs; however, there are some things that if changed or corrected could make a huge difference in our children's future. I adopted a child from our system; and he was so messed up prior to us adopting him, it made it difficult on us and as well as him. It would be great if our system could alleviate that for the future leaders of our state.

March 2, 2010

My Testimony

Brief history about myself, I obtained my LBSW in 1989. I then worked for Ulysses SRS Agency for about 2 years, then worked for Court Services in the 26th Judicial District for 12 ½ years, and while obtaining my masters in social work I worked for the Ulysses Area Mental Health Center for about 10 months as a Child services coordinator working with the Severely Emotionally Disturbed Children. In May of 2005, I obtained my MSW degree and licensure that same year and I am currently working as a Mental Health Therapist at the Satanta District Hospital since 2005.

Since I have worked in the system when SRS did not contract, I have an understanding and the ability to see what is not working with the contracting services for foster care, family preservation services, and adoption. I do understand that with so many different entities in the state's system, it is difficult to make everyone happy and agree to their ideas and suggestions; however, I have been a social worker since 1989 and there has been very little change for the better. There seems to be lack of communication between all of the agencies, which creates this huge black hole that people who are involved in gets lost and no one wants to accept responsibility for the mistakes. I have had several complaints on getting the run around from St. Francis Academy to SRS because both of them say call the other one. Another factor with the contracting agencies is that they have a huge staff turn around, so the community or families do not know who is working and who has left.

Since our State has chosen to contract out our services for our children, it has lost that special touch when working with those families, children, and what their needs are. What I mean by special touch is that when a child was placed into SRS custody, we as social workers knew our foster families and the problem that child was having, we were able to place that child in a matched home. Today, the foster care system has several agencies that do the licensing of foster homes and the area where I live, St. Francis Academy has the contract for foster and adoptive children who may not know those foster families personally, and that child is placed into a home that may not met their needs. We then expect our foster children to settle in, get use to new rules, behave, and know what that foster family expects. Another example of that special touch was that social workers were working with those parents whose children were in custody, we knew the parents and the children. The social workers made an effort to build a relationship with the parents and children, which resulted in gaining that trust that was an important role for social workers to play. This made the parents feel as though they were playing an active role as the parent and they were part of the team when developing their children's plan to return home. Today's system it does not always keep the parents updated on their children's status, some do not even involve the parents in their children's counseling let alone invite them for family counseling. It seems that the children do not get their regular visits from the assigned social worker let alone having visits with their parents. I believe part of the reason for lack of visits by the social worker is the time, distance, and some just do not feel it is important. Parents have limited visits with their children since St. Francis Academy determines when the visits will be. Let us keep in mind that in Southwest Kansas or rural areas, these parent's children usually end up several hours away from them; and having visitation or family counseling is very difficult due to the distance, financial burden, taking time away from their jobs to travel as a result they have few or if any visits with their children. When it is time for the court to review these cases it shows that the parents are not working to get their children back home, that is why parents become frustrated, and feel lost in the system. The parents are supposed to have a family

support worker assigned to them to alleviate the lack of communication; however, that usually is not consistent or followed through.

To summarize that special touch that the SRS agency provided and do not believe the contracting agencies have is that the SRS were directly involved with the families, foster families, adoption, and parent support services. The social workers were encouraged to know the communities and resources they had available to them, which in return the communities felt part of that teamwork and the community knew SRS was solely responsible for those children in foster care or adoption. The social workers have gotten to know which therapist dealt with which kind of child and family that helped with getting the family unit back together when possible. I remember when I was working for SRS in the late 1980's and early 1990's how well the communities worked with the local SRS agency, how foster parents wanted to become licensed because they wanted to be foster parents, how the school system worked with those foster children who came and gone. I want to give the credit to the communities involved in this great support because they let us take part of their community. In addition, the social workers from SRS made it known to their community who to contact, it was local and person friendly, and they knew the SRS would be available when they needed the services.

Family Preservation could be a great program because we as therapist are working in that family's territory, yet it is not working at least in the Southwest Kansas region. I have worked as a family preservation worker and have personally experienced having to work with family preservation before our adoptive son was placed back into SRS custody. I worked in family preservation when Youthville had the contract, and it was difficult to keep up with all the families the social worker was assigned to and there was very little support from the contracting agency because all they seemed to care about was profit not that special touch with those families. It was frustrating to work with families due to lack of support from the higher level of personnel. When I had to work with family preservation personally, the workers were not consistent, sometimes just did not show up, treated my husband and me as if we were bad parents and questioned us as to how we became parents because of how the adoptive son behaved in our home. There have been several other individuals who have reported that this service is a waste of time because when they had to go to court, they felt that the court system was judging them as parents because they were unable to control their children. During the time they were in our lives, they did not contact the school to see how he was doing academically, behavior, or attendance wise, and did not contact our therapist to see what are goals were or how the adoptive child was doing. Family preservation services were not a well thought out program due to lack of teamwork and/or support from the agency, lack of educational information for parents to utilize in their home. Most parents who were involved in family preservation their outcome for their family who had being court ordered to have family preservation; their children ended up in the foster care system due to the lack of parental involvement or could not control their children. Family preservation rarely offered feedback to the parents they were working with and they usually heard how they were or were not doing when they went to court. I was not impressed with being involved with family preservation and unfortunately gave me the understanding why families feel frustrated and inadequate as parents.

Adoption and contracting services does not give the adoptive children a fair chance of feeling confident and good about being adopted because they are moved a lot, they usually had lack of contact with their birth parents while in custody, which develops attachment issues, and unsure if they want to be adopted or not. Based on the all the children I have worked with in the system, these children do not get the proper

preparation before they are adopted. There are changes these children go through prior to being adopted, yet the agency expects the adoptive child and the adoptive parents to have this happy everlasting ending. My experience working with foster children, probation children, and now children in a therapeutic setting, they exhibit difficulty moving out of their parent's home into a stranger's home, new school, meeting new friends or just be accepted by school peers. Then on top of all of that, they are expected to adjust and not react to their new situation. These children have to cope with so many losses in their lives and it is important with the changes they are going through that they are listened to and understood. Even with newborns/infants in the system go through these losses and changes as well and the agency forgets that and assumes they are resilient and they are not really harming those infants. The list could go on about the damage these children encounter while being in the system and because of that it is vital that the system look at these children as humans not a piece of property. These children need to be prepared from the time their parent's rights are being severed until the time possible adoption so they can work through their own loss in a healthy way, so if they are old enough they are part of that adoption process or decide they do not want to be adopted. Whether we like it or not, some children will always love their birth parents no matter what and want to believe they will reunite with them some day. When working with in infants, our system needs to make sure there is a stable and secure placement so they are able to attach with their adopted family. Whichever agency is working with the children they need to ask this question, "Do we really know what is best?" The system needs to be totally honest with those adoptive parents so they know what they are getting into, the records need to reflect what is going on with this child(ren) good and the bad so there is no surprises when they enter into their home. The foster families need to be open and honest about how that child is in their home, in their community, and at school. As it was mentioned before, if the agency does not take the time to know what is best for these children, the system will have more difficult or severe behavior in these children, which makes them difficult to adopt. Our systems needs to realize these children are scared or have this fantasy of what adoption means to them; and the social workers need to help them through this process. With the way our system is right now these children are very system savvy and know how to play the games to get what they want, which creates chaos in their new adoptive placement and that adoption would be disrupted.

In conclusion, it is important make sure we work with each family in an individual manner since they are all different. If the system can individualize each case to fit that family or child's needs then that family knows they are important part of the process and will reduce their frustration in being involved with the system. These parents need to know they are still the experts of their children that need guidance and support to raise their children. If the system is working with a particular family (parents) and there is no progress in that 18 months, then follow through with that state statute begin that process of severing their parental rights so those children have a chance to have as normal as can be expected life. The social workers need to know those foster families so when they need to make a placement it is a match verses "we had to find a placement" An added bonus to good foster families is working closely with them so they will know that social worker is supportive of them and will try to place children they can handle. The bottom line is being a responsible agency that uses that special touch with every case they work to ensure a better outcome for the children in our state.

I would like to share my story now and my experience adopting a child who has been in and out of the system since the age of five. The information I am giving you in this introductory is things I found out after accepting to adopt. Chase's parents were alcoholics and drug users; he observed domestic violence and women are just property.

As a toddler, he had been locked in his bedroom for hours because he father said he was a bad boy. If he was a really bad boy, his father took out all of his toys out of his room then locked in him in his room. His father made it very clear to him that he was not to listen to his mother because she did not matter. The foster family advised us later that the reason Chase did not have homework was because he became so outraged he was destroying property or hurting others in the family; it was easier to lesson his homework and schoolwork to eliminate the angry outbursts. The foster family latter let us know that Chase wets the bed and hides his wet bedding and clothes in his room; and reports he did not wet the bed. In fact, several months after leaving the foster family's home, the foster mother reported finding several wet items stuffed in closets, drawers or whatever after he had wet his bed. There were so many things we were not told about Chase's behavior or rages he had when he felt he did not get want he wanted or felt threatened. During our process of reviewing his files, talking to the foster family, the social worker, and meeting the child it seemed very open at first. As we began having visits with him, the foster family would asked, "Is he doing this now, has he been throwing fits, and is he defiant?" When we had this child in our home for the first two and half months, he was sneaking to call his foster family and other connections that he had where he had lived and wanting to come back to live there. He was mad because he thought we just took him from this foster family and they wanted to adopt him. He also believed we were just another foster family; and tested us to the max. Here are a few things that myself or husband had discovered about Chase since he moved into our home: he would go into a rage when it came to doing homework, following rules, doing chores or if he did not get what he wanted; the foster family would appease him by trying not to get him upset, the school system put him in a resource room most of the day and reduced his schoolwork so he would not have homework to do in the foster family's home, and he wet his bed daily and would hid his wet bedding and clothes in his room; and tell the foster family that he did not wet the bed. The foster family did not monitor his medication, they felt he was old enough (13 at the time) to take it himself. When we got him, he refused to take his medication and would become in enraged and begin throwing objects or hitting himself. The list could go on, on things we were not told about this child from the contracting agency, the foster family, or his file we had read.

After the child was with us for five months, he began becoming aggressive with me physically and verbally, his was angry and verbal outburst became worse, he was throwing things, damaging property, running away, lying, and stealing from us by this time. When we tried called our caseworker, who was out of Manhattan, Kansas she was not available or she would called back a day or two later. I began to react to his behaviors and verbal aggression and there were days that were horrible. I was told by our local SRS agency they could not help since he was not a child from Southwest Kansas.

As time went on, both my husband and I decided to adopt Chase. The day before our court date to adopt him, he said, "I just talked to my foster family; and I have 24 hours to decide if I want to be adopted or not". I know this should have been a clue for us, but we wanted to be parents and felt that with the counseling and unconditional love it would get better and of course this was before we knew all about him. We also felt that we could work with him and help him overcome his anger he had for losing his mother in a car accident and dealing with his father who was in prison for the car accident that resulted in the death of his mother.

In September of 2007, he was placed back into SRS custody and in a group home in Salina, Kansas and was very disruptive there to the point he was asked to leave. The St. Francis social worker at the time was going to place him in a detention facility because

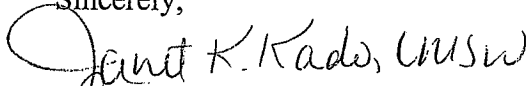
had two criminal charges in the City of Salina, which the social worker did not place him in a detention facility. Chase kept calling his old foster family and his caseworker to the point he was placed back into their home after my husband and I asked that he not be placed back with the foster family he lived with because he would become worse. Again, we were not listened to or respected by our request because St. Francis Academy placed Chase into the foster family he was living with prior to his adoption. It felt like because he was in State's custody they could do what they wanted without keeping us informed. He lived with this family from November 2007 to July 2008. I had a visit with him in February 2008, where I drove to Hays, Kansas and this visit resulted in him becoming angry with me because I would not argue with him and he grabbed my face while driving down the road and when I pulled over for my safety plan, he broke the passenger side window (front) into millions of pieces. He told his foster family that a truck kicked a rock at the window and that was how it broke. He was never honest about the things he did, there was always an excuse or it was somebody else's fault. After the episode there were not any consequences for his behavior or actions for that day, in fact, his therapist did not even deal with it until about three weeks later. When we had court the end of July 2008, he was returned back into our home and I was not ready for him to be home yet because he had not worked on anything while in foster care and he was worse. He returned home he continued to steal money, destroy property, tampered with my vehicles, took our vehicle without permission, kicked in the front part of my car, drank alcohol, smoked illegally, violated curfew all the time, and used profanity on continual basis. Several months after he had turned 18, he told me he never wanted to be adopted by anybody and that he wanted to find his real father.

In conclusion of this history of my adopting a child in the system was not fun, it made me a prisoner of my own home, lack of support from not only the people involved in the beginning, also with the local court system, the child never was forced or encouraged to work through his anger issues, guilty feelings he had about his mother's death, he was allowed to run the household because he was scary when he was out of control and in rage, he put a huge barrier between my husband and myself because of his manipulation and doing things to me when my husband was not around, and had little regard to having to following societies rules. I have never seen a child quite like him in all my years as a social worker or a court services officer; and he scares me that he is now 18 years old and he has no skills and chooses not take any responsibilities for his own actions, it is always someone else's fault.

Because of my personal experience with having adopted a state child, being directly involved in the court, St. Francis Academy, and the system as a parent, and received very little support as an adoptive parent with this very challenging child I felt a need to advocate. I feel I have done a full circle from working in the system to being in the system and learned how a parent is treated when they are in the system it was time to voice my concerns. I want to be able to give the families, children, and communities I work with a better solution and will resolve what is broken in our system.

I am looking forward to discussing these matters with you on March 8, 2010 and finding some answers to take back with me for the families, children, and communities I work with.

Sincerely,


Janet K. Kado, LMSW

Name: Modia L. Evans

Age: 19

Status: Aged Out

Position: President of the Kansas Youth Advisory Council. Second year consecutively

I came into foster care when I was 17 years old as a Child In Need Of Care. I had a drug addicted mother and a father in prison and I was bounced from family member to family member repeatedly. It had become tiresome, and because I was going to be a senior in high school I chose to turn myself into SRS Custody. This was only feasible because no one in my family showed up to my first court date to claim me. Six months prior to turning myself in I was 16 and living with my cousin and we were having issues. I called SRS and told them about my situation and they told me they could not do anything about it because I had somewhere to go, regardless of the fact that my home situation was not an ideal situation to live in. I was in foster care for one year and I aged out 4 months after I turned 18 and the day before I started my first day of classes as a college student.

I wasn't thrilled about being in foster care but since I had taken care of myself most of my childhood, I knew it was the best decision for me. I knew that there was no way I would be able to work, worry about graduation, a stressful home life and all other things that make up adolescence. I do think that it helped me out a lot. I was able to focus all of my attention on school and being the best student I can be as well as be the kid that I never was. I only lived in two different foster homes, and I've had maybe three or four bad experiences. The first foster home I lived in, my foster mother used to wake the other foster child and myself up at three in the morning to clean her basement. Her own daughter lived in the house and there was obvious

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Attachment 4

Name: Rachel Perkins

Age: 19

Current status: Aged out.

Position: member of regional and state youth advisory council.

I was placed into foster care due to my parents neglecting me. There was a lot of abuse in my household as a child but that was not the main concern of being pulled from my home. My mother had a habit of leaving while my dad was in rehab for a week or two at a time leaving me to take care of my four younger siblings at the age of ten.

I was in care for 6 and a half years.

When I went into care I knew that it was for the best but I did not understand how separating my family was going to help. My brother and sisters went home but I refused to go home with them. I did absolutely wonderful for the first two years in care. The second two years I completely rebelled. I was not the best kid at all. I wanted to go home to my father so I ran away many many times throughout two years. I was placed into the secure care facility on two separate occasions before I decided to start doing what I needed to. Looking back on it I think that being in foster care was the best thing for me. It helped to teach me how to properly raise my child. To a point that he knew that he was loved and is cared for. My son gets more attention than what he knows what to do with and if it was not for my foster parents I would not know how to do that. This was a very positive experience for me.

During my stay in foster care, I did great in school until my sister and brother went home. I went downhill for a while running away, ending up in placement in Great Bend. I started college. I have a child and I am involved in a CINC matter, which is about my son's father.

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Attachment 5

Richie Bazurto

Foster Child from 2004-2010

Hello, my name is Richie Bazurto; I am a current 17-year-old foster child, living in the city of Manhattan, Kansas. I will be turning 18 on April 28th, next month. I live in Region 3 in Kansas for the Youth Advisory Council. I am Chair of Region 3's Regional Youth Advisory Council and an active member and supporter of the Kansas Youth Advisory Council.

Today I've been asked to share with you a brief testimony of my experiences in foster care. I have been a foster child for 6 years now. I have lived in 5 foster homes and two facilities while being in JJA custody for about a year. I lived in Columbus, Chanute, Pittsburg, Wichita, Parsons, and now in two different homes in Manhattan. I will continue to stay in Manhattan after my release from custody and further my education at Kansas State University next fall.

Before coming into foster care I was living with my sister. Her name is Katie. She just turned 16 last December. I had lived with her for a vast majority of my life growing up. We had gone into foster care together back in 2004. We lived together in our first foster home in Columbus. Then, I had messed up and had gotten us separated since. As of right now she lives in Pittsburg with cousins.

We had come into foster care on May 26th, 2004. From what I understand is that we were placed into foster care because there was no family resource available to either financially or willingly take us in. To this day, not one family member has stepped up to take us both in.

I think its crazy. I'm turning 18 next month. I never thought I'd really make it this far. Over the course of the last 6 years I've had my doubts about actually making it, let alone getting to the point I'm at now. You can ask anyone who knows me very well and they will tell you just how far I've come in the last 6 years. They'll tell, "Farther than was ever expected." Being in foster care, yea I have some regrets and some resentments, but this experience has made a dramatic change in my life. Changes that you can see but only truly understand if you've been through the same situations.

For most of my entire life my great-grandmother raised me. Before coming into foster care, we (my great-grandmother, sister, and me) were living in Lebanon, Oregon. In 2003, my great-grandmother had a stroke. My dad (who was partially involved with my life) had come back from his over the road truck driving job, and decided that we (my great-grandmother, my sister, and me) were going to be moving back to Kansas. Unbeknownst to me, this is where my life story would really begin.

But I'm not here to tell you my life story. For what time I'm allowed I wouldn't be able to cover a fourth of it. No, today I'm here to reflect for a few minutes on my life as a foster child and share it with you. Today, the three of us are telling you our experiences while in foster care and where we are at now. Again my name is Richie Bazurto and I want to thank you for your time and I hope that I didn't take up to much of it. Thank You.

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Attachment 6



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 296-2256

March 4, 2010

To: Chairman Melvin Neufeld
House Federal and State Affairs Committee

From: Mark Gleeson, Director of Trial Court Programs
Office of Judicial Administration

Re: Kansas Court Improvement Program

During the House Federal and State Affairs Committee hearings on March 2 and 3, comments were made regarding the Court Improvement Program that need clarification. Although it was noted that Kansas might want to consider the program as a potential new source of funding, the Kansas Judicial Branch has, in fact, been receiving federal Court Improvement Program funding since 1996. Since that time, federal Court Improvement Program grant funds, which are included as a part of the Judicial Branch budget, have been used to provide a variety of valuable services within the child welfare system.

In 2007, the Court Improvement Program was expanded to add two additional funding categories: a Training category and a Data Collection and Analysis support category. The original Court Improvement funding is now referred to as the "Basic" funding category.

If you would like and if the committee has time, I would be willing to provide a brief presentation on what we believe have been very constructive uses of federal Court Improvement Program funding. Below are some bullet points with basic information about the federal Court Improvement Act and highlighting the projects currently funded through the Court Improvement Act funds. I have also included a brochure from our upcoming regional training workshops and invite any member of the committee to attend and participate.

Please let me know if you have any questions.

MG:mr
Attachment

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Attachment 7

Kansas Court Improvement Program
March 2010

Information Provided to the Kansas House Committee on Federal and State Affairs

General Information

- Court Improvement Program (CIP) Act funding was first received in Kansas in 1996.
- Use of CIP funding is restricted to three categories: 1) Basic; 2) Training; and 3) Data Collection and Analysis. The Training and Data grants began in 2007.
- All projects are created through the Kansas Supreme Court Task Force on Permanency Planning, approved by the Kansas Supreme Court, and reviewed by the federal Administration for Children and Families. Projects are administered by the Kansas Office of Judicial Administration.
- Projects funded from all categories must be approved through the strategic plan.

Basic CIP Funding (FFY 2010 -- \$158,027)

- Contract with University of Kansas to develop a curriculum for social work students to improve readiness to work in child welfare, work with courts, prosecutors, guardians *ad litem*, and parent attorneys.
- Provide materials to educate parents, children, and interested parties on court procedures and the child welfare system.
- Development and publication of a bench book and materials in electronic format to assist judges and educate law students, contractors, and others on the Kansas Code for the Care of Children and the Juvenile Offender Code.
- Publication and distribution of the Kansas Code for the Care of Children and the Kansas Juvenile Code to CASA (Court Appointed Special Advocate) and CRB (Citizen Review Board) program directors, SRS personnel, contract personnel, court services officers, and others.

Training CIP Funding (FFY 2010 -- \$138,812)

- Projects funded from this category must demonstrate that the training is collaborative and involves judges, guardians *ad litem*, prosecutors, parent attorneys, SRS personnel, contractors, and others.
- Semi-annual regional training programs for judges, parent attorneys, guardians *ad litem*, prosecutors, social workers, CASA personnel, and CRB personnel. All programs are approved for CLE credit and scholarships have been provided to guardians *ad litem* and parent attorneys for travel costs.
- First conference for foster parents, adoptive parents, and birth parents involved in the child welfare system (2009).
- Community-based facilitated process analysis of local procedures in child in need of care cases. These are highly detailed case reviews where judges, SRS personnel contractors, attorneys, prosecutors, guardians *ad litem*, and service providers review what works and what areas need improvement.
- Funding for Permanent Families Account supporting training efforts for CASA and CRB Directors and volunteers.

Data Collection and Analysis CIP Funding (FFY 2010 -- \$138,660)

- Modifications and improvements to the FullCourt Juvenile Compliance Module, implemented in 2008, which supports compliance with the federal Adoption and Safe Families Act.
- Ongoing training and support for Juvenile Compliance Module users.
- Hardware and software upgrades required by the Juvenile Compliance Module.
- Coordination and support for data collection and analysis with SRS, the Kansas Juvenile Justice Authority, Kansas district courts, and district and county attorneys.
- Development of a statewide data collection system for CASA and CRB programs.

March 8, 2010

MARILYN DILLEY: Marilyn Dilley has given me permission to give you the information that the little 4 year old boy that she was approved to adopt, within a few weeks of his removal from her home where he had been for 14 months, was placed in a hospital for mental issues for a week!!!

WHEN REP. Kiegerl, during the Nov. 30 & Dec. 1, 2009, children's committee asked Don Jordan to investigate these numerous complaints which were brought to the committee, all Mr. Jordan did was to copy and recycle trash reports which were typically falsified documents. I'd like to know how many caseworkers he has prosecuted or even terminated due to falsification of documents or perjury. Don Jordan has had enough blame to go around for private contractors, judges and lawyers but none for himself. They are his "scapegoat". "Sealed" reports by CPS and Private Contractor caseworkers hold an extreme amount of weight in regard to decisions by judges and not allowed to be read by the parents. The judges assume that these are professionals who would never have any incentive to falsify documents and evidence, but they do and it is for monetary incentives. It has been proven that Private contractors basically "blackmail" Kansas, saying that if Kansas doesn't pay them more money, they will quit and then what would Kansas do with all the children removed from their homes. A good start is to investigate these complaints of wrongdoing by parents and grandparents by unbiased, unaffected citizens and when appropriate, give these children back to their loving families. That would save the state millions of dollars to private contractors. Then, take the surplus that CPS has and the money that is flowing to private contractors and start immediately hiring good, honest caseworkers for CPS who only have these childrens' best interests in their decisions, not bonuses or money.

PRIVATE CONTRACTORS and SRS caseworkers have stated that they should never have to sign a "confidentiality agreement" which only breeds "veils of secrecy" and corruption.

IN 1999, SRS HAD REPORTED confirmation of more child abuse and neglect is way up, more than 1,000% in some counties. Could this be unnecessary removal of children?

ONLY WHEN physical abuse or a parent has been accused of a crime should a child be removed from their home. Removing a child should ONLY be used as a last resort and only in emergency cases where children are in imminent, immediate danger.

WHEN NEGLECT OF ANY KIND substantiated, the families should be given a chance of family preservation BEFORE any removal of a child from their home. CPS should support and assist these families by giving them a helping hand instead of pushing the families deeper into emotional and financial destruction. None of the hundreds of families I have talked to were ever offered family preservation BEFORE the child was removed and typically their cases were never even investigated by SRS before the child was removed. Families are given, by the judges, court appointed attorneys, GAL's, caseworkers who have no other concern than their next paycheck. SRS and CPS has all the money that the good taxpayers can provide to fight the families, but the families have to spend their retirement, life savings, spiral into deep financial distress, and even lose their homes in order to fight the court system and the government which should be protecting their civil rights. Parents are sometimes forced to pay child support when they receive their children from state custody. Caseworkers are given more incentives to destroy families rather than preserve them. Within two years of privatization, adoptions in Kansas had increased 80%, why not family preservation. But ye statistics show that only 22% of children were taken from their homes due to physical abuse in 2008 What about those families who are temporarily having hard times, who thinks of those families who will never see their children again? These families deserve an open court, where they are allowed to

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Attachment 8

see and confront their accusers by seeing the reports submitted to the courts by caseworkers.

WHO DO THESE FAMILIES have to complain to? The 3 to 7 citizen committee which is provided by Kansas statute is typically not implemented. Typically complaints are made to SRS and Behavioral boards or other government agencies who have relatives or friends that work for CPS or private contractors. The agencies with the money and the power will protect their own. A Kansas children's ombudsman who would have the power to investigate these complaints is so essential to preserving the families' civil rights.

ONE PRIVATE CONTRACTOR on Thursday stated children are removed from their homes for their hair not being combed or for lice.

SINCE BACK IN 1997, LEGISLATORS HEARD complaints from caseworkers, legislators, judges, lawyers, parents, grandparents, former CPS directors, and even governors regarding the incompetence and unethical behavior by private contractors. You have heard the same complaints last week. Nothing has changed since then and nothing will change until you take decisive action. If you truly care about these children and their families whom you have a responsibility to protect and guarantee their civil rights, you will pass Bill #2461 and make SRS responsible for what they were created for in the first place. When I spoke to a representative recently who had voted for privatization in the past regarding Bill #2461, the removal of private contractors in Bill #2461 and whether he would vote for this bill, he stated, "It's a no brainer."

IMAGINE FOR A MINUTE THAT SOMEONE CAME INTO this room and took you from this building and placed you in a home that was not your home and told you this was your family now who was not your family. And when you started crying and screaming for your family, they drugged you so keep you from crying and screaming. Then when you asked when you could see your family, they said it was up to them when and if you could ever see your family again. NOW, imagine that this is your five year old child.

I have been told numerous times that the state of Kansas cannot afford to stop the contracts with private contractors, I say, "For the sake of these children and the future of Kansas and the federal government, how we can afford not to, they are draining us dry."

Kathy Winters
913-782-8642

**Kansas House Federal and State Affairs Committee Child Welfare
Summit**

March 8th, 2010 Topeka, Kansas

“SUNSHINE IS GOOD FOR CHILDREN”

MATTHEW I. FRAIDIN

University of the District of Columbia

David A. Clarke School of Law

Testimony On

CHILD WELFARE PROCEEDINGS

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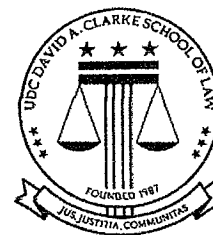
University of the District of Columbia
David A. Clarke School of Law
4200 Connecticut Avenue, N.W.
Building 38, Room 200
Washington, D.C. 20008
(202) 274-7328 Fax: (202) 274-5583
(202) 390-2901 (cell.)
mifraidin@yahoo.com

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Attachment 9

University of the District of Columbia

David A. Clarke School of Law
4200 Connecticut Avenue, N.W.
Building 38, Room 200
Washington, D.C. 20008
(202) 274-7328 Fax: (202) 274-5583
(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**

Summary of Testimony of Professor Matthew I. Fraidin
University of the District of Columbia David A. Clarke School of Law
District of Columbia Council, Committee On Public Safety and the Judiciary
B-18-344, Information Sharing To Improve Services For Children And Families Act
November 4, 2009

The bill: B18-344 gives adults information they need to help children.

The problem: Child welfare proceedings take place in secret, so caseworkers, lawyers, and judges operate without transparency in the lives of vulnerable children. As a result, D.C.'s child welfare system harms children and families, instead of helping them. B18-344 expands the pool of *unaccountable adults with unchecked power* in children's lives, and thus endangers children.

The evidence: 60% of the D.C. children taken from their families are *not abused or neglected*.

The solution: "Sunshine." B18-344 should be amended as follows: *Family Court proceedings and records shall be open to the public, unless the court finds, by clear and convincing evidence, that closure is required to avoid substantial harm to the child, in which event the Court shall order closed or sealed that portion of a hearing or record required to avoid harm.*

Open courts protect vulnerable children. A judge writes, "[I believe that] [w]hen the courtroom gallery contains people that the stakeholders believe to be representatives of the media or a court monitoring organization, the stakeholders conduct themselves more professionally, explaining the facts in the cases and their clients' positions with greater thoroughness and care."

Judges say open courts are good for children: The National Council of Juvenile and Family Court Judges issued a public Resolution in 2005, supporting open courts.

Child advocates say open courts are good for children: The National Coalition for Child Protection Reform urges states to open child welfare proceedings.

Seventeen states have opened child welfare proceedings: These include such states as New York, Michigan, Florida, Ohio, and Arizona, whose statutes and court rules are attached.

No state that has moved to transparency has ever shut down again. Many states opened child welfare hearings on a "pilot project" basis, and none retreated to secrecy.

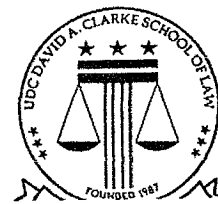
Doubters are convinced: Discussing Minnesota's open courts, the Minneapolis Star Tribune noted that "the greatest fear--that troubled children would be victimized and embarrassed by sensationalized new media coverage and community scorn--has yet to be realized."

Open court proceedings empower children: Minnesota Judge Heidi Schellhas writes, "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.'"

Openness permits reform. Judge Schellhas writes, "[p]ublic access to child protection proceedings should, over time, significantly enhance the system's responsiveness and court procedure....The child protection system and court proceedings are 'currently insulated from informed criticism by the rule of confidentiality, and 'criticism is valuable in direct relation to the degree it is informed.'"

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David A. Clarke School of Law
4200 Connecticut Avenue, N.W.
Building 38, Room 200
Washington, D.C. 20008
(202) 274-7328 Fax: (202) 274-5583
(202) 390-2901 (cell.)
mfraidin@udc.edu

Testimony of Professor Matthew I. Fraidin
University of the District of Columbia David A. Clarke School of Law
District Of Columbia Council, Committee On Public Safety and the Judiciary
B-18-344

Information Sharing To Improve Services For Children And Families Act Of 2009

November 4, 2009

Chairman Mendelson and members of the Committee, thank you for the opportunity to address the very important subject that brings us here. The bill under consideration today attempts to make sure the right adults have the right information to help children. I hope the bill will be modified, however, by *opening avenues for visibility and accountability*, so we can be sure that adults are doing the right thing for children.

At present, the District of Columbia's antiquated child welfare proceedings are held in secret. If child welfare hearings and records are not opened to the press and public, however, this bill will, despite its good intentions, actually *exacerbate* the dangers our most vulnerable children already face, by imbuing more and more unaccountable adults with more and more unchecked power.

I have served since 1998 as a trial attorney and Supervising Attorney at the Legal Aid Society of D.C., Legal Director of The Children's Law Center, and, since 2004, in my current position as Associate Professor of Law and Director of the HIV/AIDS Legal Clinic at the University of the District of Columbia David A. Clarke School of Law. In addition, I have been a member of the D.C. Bar's Family Law Section Steering Committee, chaired and taught on the faculty of countless D.C. Bar Pro Bono trainings, served on numerous Superior Court committees, testified before the U.S. Senate and D.C. Council, and spoken to dozens of local and national audiences. I have represented and supervised the representation of hundreds of Family Court and Domestic Violence Unit litigants, representing children, adults, parents, foster parents and kinship caregivers in all manner of proceedings, including child custody, domestic violence, child abuse and neglect, adoption, guardianship, and child support.

Those experiences lead me inescapably to the conclusion that the laws and court rules imposing an iron curtain of secrecy over some aspects of D.C.'s Family Court -- namely child welfare proceedings -- obstruct efforts to promote safety and permanency for children. Court hearings and records are open in divorce, child custody, domestic violence, and criminal sex offense and child abuse cases: I believe strongly that it is now time for the District of Columbia

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Family Court to join the growing nationwide trend toward openness in child welfare matters as well.

Let there be no mistake: our child welfare system is in shambles, Executive Branch functions collapsed under the weight of hundreds of children unnecessarily living with strangers in foster care. Without the disinfecting warmth of sunshine and the scrutiny of concerned citizens and the press, our courts currently do little more than rubber-stamp CFSA's misguided, harmful practices. I will in a moment urge upon you a simple modification of this bill that will *keep the bill from endangering children and will in fact help achieve the intended purpose*, our shared objective: protecting children.

The bill amends D.C. Code §§ 16-2331, 2332, and 2333. Those sections of the statute currently restrict access to court records in some cases involving children, namely juvenile delinquency cases and child welfare cases. Court hearings for children in those cases are closed to the public by virtue of other provisions, including D.C. Code § 2316. In contrast, the public and press may observe virtually all cases involving children, such as domestic violence cases, child custody cases, divorce cases, and criminal cases.

The proposed amendments embodied in B18-344 would expand the pool of adults allowed to have information about children, to include more of the adults trying to help a child. The bill as written would allow the adults already listed in D.C. Code §§ 16-2331-33, who are already privy to information in children's juvenile, social and law enforcement records, to share that information with adults not listed but who are, nonetheless, responsible for helping the child. That concept makes sense, because if there is an adult who is in a child's life who could help the child more by knowing some things about the child or by seeing a court document or a "social" record, that adult ought to be able to have access to the record. Artificial boundaries should not obstruct adults willing to lend a hand in a child's life.

The essential question, however, is how to make sure the adults in a child's life use the information properly and to the benefit of the child. The starting point, and simplest and surest way to hold adults accountable for serving children is to watch them. The well-known rationales for transparent, accountable government hardly need be belabored, and are most important for the most vulnerable, like children, who rely on others' watchful eyes for protection. But child welfare proceedings in the D.C. Family Court are shrouded in mystery and secrecy. By statute and court rule, court proceedings and information are sealed off from the public and press, unlike virtually all other cases in the courthouse, including most of those involving children. This veil of secrecy must be removed, to protect children.

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Solution: B18-344 should be amended to include simple language such as this:

Family Court proceedings and records shall be open to the public, unless the court finds, by clear and convincing evidence, that closure is required to avoid substantial harm to the child, in which event the Court shall order closed or sealed that portion of a hearing or record required to avoid harm.

The District's children and families are mistreated every day by the Executive Branch, and the Judiciary, hidden behind a curtain, does not stem the bilious tide.

In my law students' cases, more than 60% -- that is **60%** -- of the children taken from their families have been returned *without ever being found abused or neglected*. Yes, more than 60% of the children taken from their living rooms and schoolhouses, from their brothers and sisters and teachers and grandparents and friends -- more than 60% of the children housed in foster care with strangers! -- do not need to be there, by the government's own admission. They take the children, the Court rubber-stamps the removal, and only later, when my students find the information the agency missed, explain to the agency the information it distorted, and demonstrate that the child would be safest and healthiest in her own home, does the government agree -- voluntarily! -- to send the child home and dismiss its own case. Secret proceedings means that you can't meet the children whose lives are turned upside-down, perhaps never to be righted -- for no reason.

You can't observe the rubber-stamp hearings. You can't watch a case worker hem and haw an explanation about why a distraught child hasn't been referred to a therapist, despite a court order directing the referral. You can't see a lawyer guessing at his client's position, rather than knowing it, because the lawyer hasn't met with the client since the previous court hearing. You can't sit in the back of a courtroom and shake your head in frustration and disgust at a judge who openly flouts the law, refusing to let a child live with her beloved aunt, simply because it is that judge's "personal policy" not to allow children to live with relatives unless CFSA agrees. You can't know what's going on, and you can't do anything about it.

Operating behind an impenetrable iron curtain that is anathema to American governance, the Family Court deprives children of the checks and balances they need for health, safety, and stability.

I am here to testify that sunshine is good for children.

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University of the District of Columbia David A. Clarke School of Law

The District of Columbia is out of step with a growing national trend by guarding the walls that, in turn, guard adults' secrets and their errors of commission and omission:

- **Judges say open courts are good for children:** The National Council of Juvenile and Family Court Judges issued a public Resolution in 2005, attached to my testimony, supporting open courts. The National Child Abuse Coalition, the Council of State Court Administrators and the Conference of Chief Justices all agree that states should have discretion to open their courts.
- **Child advocates say open courts are good for children:** In the National Coalition for Child Protection Reform's "Civil Liberties Without Exception: NCCPR's Due Process Agenda for Children and Families," the first recommendation is that states open child welfare proceedings to the disinfecting glow of sunshine.
- **Seventeen states have opened child welfare proceedings:** *I have attached to my testimony a sample of representative state statutes and court rules from states such as New York, Michigan, Florida, Ohio, and Arizona.*
- **No state that has moved to transparency has ever shut down again.** Many states opened child welfare hearings on a "pilot project" basis, and none retreated to the darkness of secrecy.
- **Doubters are convinced:** *Even judges and children's advocates who initially were vigorously opposed to transparency become enthusiastic converts, convinced of the benefits to children. After Minnesota's courts had been open for a year, the Minneapolis Star Tribune noted that "the greatest fear--that troubled children would be victimized and embarrassed by sensationalized new media coverage and community scorn--has yet to be realized."*
- **Open court proceedings empower children:** According to Minnesota Judge Heidi Schellhas, "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.'"

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- **Openness permits reform.** Judge Schellhas points out that not only can individual children be helped by transparent family court proceedings, but systemic change also may be possible. “Public access to child protection proceedings should, over time, significantly enhance the system’s responsiveness and court procedure. . . . The child protection system and court proceedings are “currently insulated from informed criticism by the rule of confidentiality, and ‘criticism is valuable in direct relation to the degree it is informed.’”

We cannot be sure adults are serving children unless we can see them. If adults’ actions are hidden behind a wall, we are literally in the position of having to take the adults’ word that they’re doing their job. As we move toward expanding expanding adults’ knowledge of important aspects of children’s lives, it would be wrong to simply empower a wider class of adults to act with and for children, but to have no one watching them. We should not widen the circle of adults who say: “just trust us.” No, we cannot “just trust you” with our children: they are too important.

We can protect kids from adults misusing information or acting in other ways that hurt children by taking the simple step of opening to public eyes the court proceedings in which the children are involved. This would make neglect proceedings like others involving children, including domestic violence cases and child custody cases, which are entirely open.

In neglect cases, adults employed by the government are acting on our behalf, in our name, and, not coincidentally, with our money. This bill would, for all the right reasons, enlarge the universe of adults to include more governmental and non-governmental actors. *The bill should not, however, enlarge the pool of adults whose actions relating to children are shielded from view.*

If a service provider was given access to a case file or social record, or to information in it, we want to know, and the child needs for us to know, whether that adult did the right thing with it. Did the service provider follow up on the information, or simply ignore it? From a more pragmatic standpoint, why is the private service provider getting a contract or a grant? Is that organization really helping children, or merely vacuuming up funds, employing adults who aren’t adding value to children’s lives? We ought not *assume* adults are serving children effectively: “just trust us.” Children need us to watch on their behalf. Whether it is abuses in far-off group homes or the mundane, every-day slights, insults and mishaps endured by foster children at the hands of adults, the children need others to know.

One of my former child clients, now dead by gunshot, asked his group home not to house
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him with a roommate because, he admitted, he was disliked by some of the other children and felt uncomfortable with them. The group home ignored him, as well as my similar request on his behalf. Another resident of the group home – also now-deceased by gunshot -- came in and stabbed my client in the shoulder with a screwdriver. Bad enough, but the agency then proposed to bring both boys to the CFSA offices to put them in a room together to “mediate the dispute.” No one knew this went on – no one has ever known until you, now, some six or more years later.

Same child: in addition to being stabbed, the child was victimized when his new roommate allowed other boys into the shared room. The other boys stole some of my child client’s clothing. It was all he had, in two garbage bags and a battered suitcase. He’d been in foster care since he was nine years old, and had carted sneakers and clothing to the dozen or more homes he’d lived in. He was enraged by the theft, and broke some of the thief’s property and kicked a hole in a wall. Arrested for the destruction of property, he was locked up overnight, for the first time ever, and charged as a juvenile. The CFSA worker was set to tell the delinquency judge that the child’s best interests would be served by going to Oak Hill, because it would “be therapeutic for him.” I remonstrated with the worker in the courthouse hallway and burned up telephone lines for hours until I located a foster parent with an empty bed and persuaded CFSA that a foster home would be more appropriate for the child than Oak Hill.

Until now, no one has known about this.

No one has known until now that the boy became a loving, gentle, doting father. The baby’s mother went off to finish her final semester of college, and the ward was the baby’s only caretaker. No one has known that the adults working for CFSA refused to allow the young dad to live with his baby. CFSA had no teen-father placements, they said. They assigned him to programs and buildings that did not allow babies. So he “absconded” every night, meaning he went to his mother’s home, or his mother-in-law’s home, or to his grown sister, or to an aunt, or to a friend or anywhere he could keep his baby. Demerit after demerit after demerit from the adults at CFSA, harassing him, adding stress to an already-burdened life.

No one has ever known that the adults at CFSA later sought again and again to have this child’s neglect case closed because he wasn’t appreciative of the services they were offering.

No one has known until now, from this testimony, that when my child client became an adult and buckled under the stress and picked up minor adult criminal charges, the adult employees of CFSA and OAG strenuously resisted my pleas and my client’s to install an operating telephone in his residence. See, he was wearing an electronic ankle bracelet, and needed the telephone to be working to connect with the bracelet, so that he would not violate his conditions of release on the criminal charge. The adults working for CFSA and OAG said, again, that it would be better for the child to go to jail – the D.C. Jail, this time – than to reside in their

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care. So they refused to install the telephone to make sure he would be locked up. Then, they could close his case and get him off the rolls. Voila! Lower caseloads!

The postscript is, of course, my child client's death. CFSA finally having worn down the Family Court Magistrate Judge, the child's case was closed a few months before he turned 21. A bright, sensitive, sweet guy, he had lived in dozens of foster homes, group homes, with his mother and grandmother, with his sisters, and in at least one RTC, and had no ties to anyone but his wife and children. He had attended more than a dozen high schools without graduating. He had a *marijuana habit, and maybe others, that seemed relatively low-level to me, but showed no signs of abating.* He had been trying to hold down a job, and also had been stealing drug dealers' small stashes and selling those to support his two children.

He was shot at 1408 Girard Street on the day police were installing a crime camera around the corner. He made the paper for that. He made the paper again, though I'm the only one who knew it, because he wasn't identified, when Lafonte Lurie Carlton, his killer, was released a few years later from Oak Hill and killed again.

My child client would have wanted Carlton to be released, by the way. He knew children need lots of chances and lots of help. He also knew, painfully, that adults often fail children, even adults who mean well and certainly, adults who don't care or can't be bothered or who have other priorities. Would that dear child still be alive if the adults who hurt him and ignored him and despised him had been seen for what they'd done? Might they have straightened up a little and flown a little righter if they'd known that, like other adults, they could be held accountable for their actions?

It's ironic that teaching our children "responsibility" is a major tenet of parenting. We want children to grow up to understand that that their actions have consequences. While parents try to teach this value to their charges, the adults surrounding children in the foster care system are not responsible for what they do and don't do. In our secret system, adults don't have to live the value, to practice what they preach.

Yes, we must ensure that the right adults have the right information to help children. It is equally important, however, to make sure we don't give adults a blank check to go along with that power. We have to make sure they use their power to help children. We are all responsible and we all must watch: family, friends, neighbors, the press. No one can be healthy in the dark: sunshine is good for children.

Openness protects vulnerable children. Make no mistake: the stakes are high. The best summary of the dangers of secrecy to children in the child welfare system comes from a longtime

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Minnesota social worker, who wrote in 1997, "Sometimes decisions that are literally life and death to children are made without full knowledge or deliberation due to the inattention of the judge, the fraternity mentality of the attorneys or the incompetence of the social worker."

As Judge Schellhas writes, "[my personal observation suggests that] [w]hen the courtroom gallery contains people that the stakeholders believe to be representatives of the media or a court monitoring organization, the stakeholders conduct themselves more professionally, explaining the facts in the cases and their clients' positions with greater thoroughness and care."

In contrast, when lawyers, social workers and judges are shielded from scrutiny, as in the District of Columbia, only the children get hurt. Lawyers may without compunction or sanction fail to meet with child and adult clients from one hearing to the next, social workers may leave children in foster care for weeks or months after a willing relative has come forward, and judges may act in derogation of applicable law. And politicians and other policy-makers, whose decisions have made those failures all-but-inevitable, are shielded from answering to the public, which deserves to know how its money is being spent and its most precious resource protected. In a transparent system, however, adults can't afford to shirk their responsibilities or abuse their power. Yes, sunshine gives children, like flowers, a chance to grow.

An example: A recent, highly-publicized case in the D.C. area illustrates the trove of information that is available, and the lessons that could be learned, were access to court proceedings and information readily available. In an October 5, 2008 piece which is attached as part of this packet, then-Washington Post columnist Marc Fisher lamented the secrecy surrounding the abuse and tragic deaths suffered at the hands of Renee Bowman, who was a foster and adoptive parent of children placed in the custody of D.C.'s Child and Family Services Agency. As Fisher pointed out, without information about how and why Ms. Bowman was approved as a foster and adoptive parent, D.C.'s taxpayers and voters are unable to impose fiscal and political accountability.

As important as are taxpayers' rights and as essential to our democracy as is accountability of the Executive and Judicial branches of government, however, perhaps even more important is learning lessons that will keep children safe. Other children need not fall victim to the same fate. With the work of judges, case workers and lawyers energized by the possibility that a media representative or citizens' group will be in the courtroom or will review a court document, and with information available from which to learn, children can be protected.

Fisher quoted me as follows in the on-line version of the piece:

The neglect case files of the Bowman children would tell you when

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Ms. Bowman entered the children's lives, what their condition was when they went to live with her, whether the social worker and GAL and judge really gave Ms. Bowman any scrutiny: did the [case worker] or [Guardian ad litem] visit the children regularly before the adoptions were granted? CFSA (and the Board of Child Care, the private agency that licensed Ms. Bowman) have files, too, showing what Ms. Bowman told them, whether they checked it out, how well they knew her, whether they watched her with the children, whether they wondered why her employment ended . . . whether they explored her bankruptcy filings

There is a **WORLD** of information in the court files and in CFSA's files, and a puzzle in there that, if put together thoughtfully, *could save children's lives*. What happened? How? Why? Were there shortcuts? What assumptions were made? What pressures were the social worker and GAL (who probably was carrying 75 to 100 cases at the time) under? (emphasis added)

In the words of Judith Kaye, the former Chief Judge of New York's highest court, "Sunshine is good for children." Chairman Mendelson, our city's children are in danger, every day, because child welfare proceedings have no transparency and no accountability. The Executive Branch fails children and families in every way imaginable, and in some that are not. The Family Court does not step in to slow the free-fall. No matter how dedicated and well-meaning are our public servants, the District must join the growing nationwide acceptance of open family courts. Tearing down the walls of secrecy surrounding child welfare proceedings will simply make child welfare proceedings like virtually all of the others in the courthouse.

I'll leave the last word to another judge, Minnesota's Judge Schellhas: "The child protection system is an institution as important, if not more important, than any other public institution. Those involved in the child protection system are responsible for our nation's most precious resource-- children. The public and the press must insist upon public access to this system to hold it accountable to society and to the children."

Please let me know if I can be of assistance in addressing this very serious obstacle to transparency, open government, and safety, health, and stability for our children. As attachments to my testimony, I have provided a range of materials gathered nationwide setting forth the dangers of secrecy, and benefits of transparency, with regard to the child welfare system.

I look forward to answering any questions you may have on this subject.