

STATE OF KANSAS

HOUSE OF
REPRESENTATIVES

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INSURANCE AND FINANCIAL INSTITUTIONS

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S. MIKE KIEGERL

October 27, 2015

TO: House and Senate Joint Interim Committee on Foster Care Adequacy

It is not surprising that, although chairman O'Brien requested 5 days of hearings on the murder of 2 foster children, only one day was approved. Legislative leadership has a history of neglecting children's issues and the long standing problems with SRS (DCF) in placement of CINC. This is well documented and archived for anyone to see. Children are not a legislative priority and this committee faces an impossible task to find solutions to intractable, long term problems which finally culminated in the horrendous death of two children.

The attached material provides background information. It represents a preliminary review of data from DCF and other sources. All information requested was given, except the cost/benefit analysis - which would justify expenditures of \$280 Million for private contractors in the Bi-annum - which apparently is non-existent. It seems certain that legislative action is required to prevent future tragedies. And work by standing committees will be required with subcommittees doing detailed work to present acceptable bills to the House and Senate. The following issues ought to be addressed at a minimum:

1. Requirements and Standards for care givers - review and expand.
2. The position and authority of an Ombudsman should be established.
3. A decision on whether the present private contractors should continue, change or be terminated.

These issues must be resolved through legislation. This is not a partisan issue. Democrats and Republican legislators attended two preliminary discussions on how to approach these problems. Both the majority and minority leaders expressed support for action.

WHEN CHILDREN DIE IN FOSTER CARE WE
MUST ACT

This report was prepared by S. Mike Kiegerl alternating Chairman of the House/Senate interim committee on children's issues from 2006 to 2010 and chairman of the standing committee for children and seniors from 2010 to 2012, and member of that committee at present. The opinions, interpretations and conclusions are his and intended to spur debate.

This is a preliminary draft for use of the addressee only. Please attend the meeting on Monday, May 4 (TBA) for the full report and discussion:

Documents Reviewed For This Report

The attached data was requested by interested parties and readily provided by DCF with the exception of cost/benefit analysis and performance evaluation

Received and reviewed

State of Kansas
House of Representatives

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P.O. Box 61
Tonganoxie, Kansas 66086
(913) 706-2396

Connie O'Brien
Representative, 42nd District

February 25, 2015


Dear Secretary Gilmore,

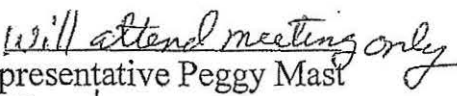
The undersigned request the following documentation relating to the contractors you employ for placement and adoptive services:

- A copy of the RFP
- A copy of the actual contract
- Financial statements (i.e., Federal tax returns) of the two vendors
- Your most recent performance evaluation of their services
- A cost/benefit (if one exists) or the increase in cost per case from the time these services were provided in house

We appreciate your speedy response.

Representative Pete DeGraaf 

Chairwoman: 
Representative Connie O'Brien

Speaker Pro Tem: 
Representative Peggy Mast


Representative Mike Kiegerl

Executive Summary

Two children died within less than a year while in DCF custody. This report is an attempt to find the causes of these tragedies, to identify what went wrong and to offer solutions to prevent such incidents from reoccurring. While the proximate culpability for the death of an 18 month old girl and a 4 year old boy must rest with the perpetrators ultimate responsibility is also found by DCF, the courts, and especially by the private contractors employed by the agency.

The findings of this report are by no means conclusive but should provide the impetus for further study and result in major reviews of policies and procedures and possible legislative action. The fact that the choice of caregivers in these and many other cases was disastrous is obvious. How the perpetrators could be qualified and selected by the case worker and a judge is troubling. DCF also did not exercise proper control and supervision. As a consequence the system designed to protect foster children broke down. A detailed nauseous description of the deaths of the two kids is summarized in the appendix.

Antecedent Conditions

In the fall of 2009 the House/Senate committee on children's issues held hearings on problems with foster care based on numerous complaints. The hearing where overwhelmed with conferees and a picture of a dysfunctional program emerged. Problems identified were in the selection of foster parent and care givers, the arrogant and arbitrary actions of some case workers and the large turnover by the private contractors engaged by SRS (now DCF) and the decisions by judges based on their often incomprehensible work product. In the short time allotted to the committee not much more than documentation could be provided but as a consequence Speaker O'Neal created a standing committee to deal with these issues in 2010. One direct accomplishment was the introduction and passage of the grandparents rights act, which gave grandparents standing in court and preference (*ceteris paribus*) in placement of their grandchildren.

Documentation was provided to the secretary of SRS with the request to respond back to the committee in 2009 with detailed commitments for change in policy and procedures and minor adjustments were made, however the complaints persisted. The almost unquestioned adherence of the contractors work product by both SRS and the courts often lead to placements detrimental to the best interest of the child. Caring and competent grandparents were often ignored.

There was a perception the certain judges would not accept as credible testimony by anyone other than the contractor's case workers. These "experts" usually young social workers submitted work product and exercised their considerable authority at times without proper justification and sufficient concern about the consequences of their recommendations (see appendix for example cases). Before the grandparents rights bill, grandparents had no voice, after their voice had little weight against the case worker.

Other than that nothing substantive has happened to improve the program, the incoming secretary inherited a mess and eliminated the two worst performing contractors and installed a faith based placement system but more needs to be done.

Present Conditions

DCF standards of the six factors as required for contracted services are laudable and their performance of the contractors and DCF personnel must be measured by them and omissions cannot be tolerated. These are:

- 1) Nurturing and Attachment – A child’s ability to interact positively with others, to self-regulate, and to effectively communicate his or her emotions has a great impact on the parent-child relationship. A child’s social and emotional development is highly dependent on the quality of a young child’s primary relationships. How caregivers respond to children’s emotional expression profoundly influences how they learn to process, understand, and cope with such feelings as anger, happiness, and sadness. Promoting positive behavior and responses in children could strengthen parent-child relationships.
- 2) Knowledge of Parenting and Child and Youth Development – Extensive research links healthy child development to effective parenting. Children thrive when parents provide not only affection but also respectful communication and listening, consistent rules and expectations, and safe opportunities that promote independence. Successful parenting fosters psychological adjustment, helps children succeed in school, encourages curiosity about the world, and motivates children to achieve.
- 3) Parental Resilience – Parents who can cope with the stresses of everyday life, as well as an occasional crisis, have resilience; they have the flexibility and inner strength necessary to bounce back when things are not going well. Multiple life stressors, such as a family history of abuse or neglect, health problems, marital conflict, or domestic or community violence – and financial stressors such as unemployment, poverty and homelessness – may reduce a parent’s capacity to cope effectively with the typical day-to-day stresses of raising children.
- 4) Social connections – Parents with a social network of emotionally supportive friends, family and neighbors often find that it is easier to care for their children and themselves. Most parents need people they can call on once in a while when they need a sympathetic listener, advice, or concrete support. Research has shown that parents who are isolated, with few social connections, are at higher risk for child abuse and neglect.
- 5) Concrete support – Partnering with parents to identify and access resources in the community may help prevent the stress that sometimes precipitates child maltreatment. Providing concrete support may also help prevent the unintended neglect that sometimes occurs when parents are unable to provide for their children.
- 6) Social and Emotional Competence of Children – Parents support healthy social and emotional development in children when they model how to express and communicate emotions effectively, self-regulate, and make friends. A child’s social

and emotional competence is crucial to sound relationships with family, adults, and peers. Conversely, delayed social-emotional development may obstruct healthy relationships. Early identification of such delays and early assistance for children and parents can provide support for family relationships and sustain positive and appropriate development.

In light of these guidelines how could either of the perpetrators have been qualified and selected as a caregiver? Who is responsible for selecting them, who approved of them in SRS/DCF, which judge issued the order? These questions need answers and remediation.

Children need a mother and father to thrive. The selection of foster parents therefore is crucial. To be a foster parent at present in Kansas requires the following:

- Be 21 years old
- Pass a criminal clearance check
- Take 30 hours of training
- Have an outside income other than state reimbursement
- Own or rent an acceptable residence

Clearly this is inadequate and ought to be amended. The following additional requirements ought to be considered.

- Minimum age 26, married at least 1 year
- No previous criminal history
- No use of recreational drugs
- Sufficient available time to nurture a child
- Appropriate physical environment
- Race and ethnicity are relevant

The attached SB158 by Senator Knox may be controversial but it is a step in the right direction.

SENATE BILL No. 158

By Committee on Judiciary

2-5

1 AN ACT concerning the revised Kansas code for care of children;
2 establishing a CARE family program for foster care; amending K.S.A.
3 2014 Supp. 38-2218 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) The secretary shall establish a special category of
7 foster care to be known as a CARE family. A CARE family may be
8 selected and licensed by the secretary only if the family meets the
9 requirements specified in this section. The secretary shall promulgate rules
10 and regulations to implement the provisions of this section on or before
11 January 1, 2016.

12 (b) A family shall meet the following requirements, and any
13 additional requirements imposed by the secretary, to become licensed as a
14 CARE family:

15 (1) A husband and wife team married for at least seven years, in a
16 faithful, loving and caring relationship and with no sexual relations outside
17 of the marriage;

18 (2) submit to a background check on the husband and wife;

19 (3) no current use of tobacco by anyone in the family's home;

20 (4) no history of unlawful drug use by anyone in the family's home;

21 (5) no alcoholic liquor or cereal malt beverages in the family's home;

22 (6) both the husband and wife have attained at least a high school
23 diploma or equivalent;

24 (7) either the husband or wife, or both, does not work outside the
25 home;

26 (8) the family is involved in a social group larger than the family that
27 meets regularly, preferably at least weekly; and

28 (9) provide the secretary at least three references from people that
29 personally know the family well.

30 (c) Notwithstanding any law to the contrary, a CARE family's home
31 shall not be considered a child care facility and shall not be required to be
32 licensed under article 5 of chapter 65 of the Kansas Statutes Annotated,
33 and amendments thereto.

34 (d) (1) The secretary shall insure that each CARE family is highly
35 trained in typical foster care issues, in the law concerning foster children
36 and in mental health counseling for their family. Continuing education and

1 monthly meetings with other CARE families in the same area shall be used
2 to provide such ongoing training and counseling sessions.

3 (2) The secretary shall insure that each CARE family is visited
4 monthly in the home, preferably as guests at a family meal or family
5 activity in a social setting, to verify that the family is performing well as a
6 CARE family.

7 (3) The secretary shall reimburse the CARE family for child care for
8 each child placed with a CARE family, but child care shall not exceed four
9 hours per week.

10 (4) The secretary shall pay each CARE family at a rate substantially
11 higher than that of other foster care homes.

12 (e) (1) The secretary shall notify each CARE family that the CARE
13 family has a right to submit a report. Copies of the report shall be available
14 to the parties and interested parties. The report made by the CARE family
15 shall be on a form created and provided by the Kansas department for
16 children and families.

17 (2) Except as otherwise provided by law, in all proceedings under the
18 revised Kansas code for care of children, the court shall require notice to
19 the CARE family and the CARE family shall have the right to be heard.

20 (f) (1) Notwithstanding any other law to the contrary, a CARE family
21 shall determine how best to meet the educational needs of any child placed
22 with the family and shall have sole discretion in the educational placement
23 of the child. If a child is not enrolled in a school district by the CARE
24 family, the CARE family shall notify the secretary of such decision, and
25 such notice shall include the school and curriculum being used to educate
26 such child. The secretary shall reimburse the CARE family for educational
27 expenses incurred for each child who is not enrolled in a school district in
28 an amount not to exceed the statewide average state aid per pupil. Such
29 reimbursements shall be paid from the CARE family education fund
30 established in this subsection. If sufficient funds are not available for such
31 reimbursements, then the requests for reimbursement shall be considered
32 in the order received when funds are available for such purpose.

33 (2) The secretary shall notify the state board of education of every
34 child not enrolled in a school district by a CARE family. Annually, on or
35 before July 1, beginning on July 1, 2016, the state board of education shall
36 certify to the director of accounts and reports the amount required for
37 CARE family state aid pursuant to this subsection, and an amount equal
38 thereto shall be transferred by the director from the state general fund to
39 the CARE family education fund. All transfers made in accordance with
40 the provisions of this subsection shall be considered to be demand
41 transfers from the state general fund.

42 (3) There is hereby established in the state treasury the CARE family
43 education fund to be administered by the secretary. All expenditures from

1 such fund shall be made in accordance with appropriation acts upon
2 warrants of the director of accounts and reports issued pursuant to
3 vouchers approved by the secretary or the secretary's designee. All moneys
4 credited to the CARE family education fund shall be expended to
5 reimburse CARE families for educational expenses incurred for children
6 not enrolled in a school district by a CARE family.

7 (4) As used in this subsection:

8 (A) "Statewide average state aid per pupil" means the average amount
9 of general state aid per pupil plus the average amount of supplemental
10 general state aid per pupil for the immediately preceding school year.

11 (B) "Average amount of general state aid per pupil" means the total
12 general state aid for all school districts as determined by the state board for
13 the immediately preceding school year divided by the total enrollment of
14 pupils in all school districts for the immediately preceding school year.

15 (C) "Average amount of supplemental general state aid per pupil"
16 means the total supplemental general state aid for all school districts as
17 determined by the state board for the immediately preceding school year
18 divided by the total enrollment of pupils in all school districts for the
19 immediately preceding school year.

20 (5) For purposes of this subsection and for calculating enrollment
21 pursuant to K.S.A. 72-6405 et seq., and amendments thereto, a resident
22 school district shall not count any student placed with a CARE family and
23 not enrolled in a school district as a pupil of such resident school district.
24 As used in this paragraph, "resident school district" means the school
25 district in which the student resides and would otherwise be enrolled.

26 (g) Notwithstanding any other law to the contrary, the secretary shall
27 not remove a child from a CARE family placement unless:

28 (1) The child is removed to achieve permanency through
29 reintegration, adoption, appointment of a permanent custodian or another
30 planned permanent living arrangement; or

31 (2) the secretary finds probable cause that:

32 (A) (i) The child is likely to sustain harm if not immediately removed
33 from the home; (ii) allowing the child to remain in the home is contrary to
34 the welfare of the child; or (iii) immediate placement of the child is in the
35 best interest of the child; and

36 (B) reasonable efforts have been made to prevent the unnecessary
37 removal of the child from the CARE family's home or that an emergency
38 exists which threatens the safety of the child.

39 (h) This section shall be part of and supplemental to the revised
40 Kansas code for care of children.

41 (i) The provisions of this section shall expire on July 1, 2021.

42 Sec. 2. K.S.A. 2014 Supp. 38-2218 is hereby amended to read as
43 follows: 38-2218. (a) When the court has granted legal custody of a child

1 in a hearing under the code to an agency, association or individual, the
2 custodian or an agent designated by the custodian shall have authority to
3 make educational decisions for the child if the parents of the child are
4 unknown or unavailable. When the custodian of the child is the secretary,
5 and the parents of the child are unknown or unavailable, and the child
6 appears to be an exceptional child who requires special education, the
7 secretary shall immediately notify the state board of education, or a
8 designee of the state board, and the school district in which the child is
9 residing that the child is in need of an education advocate. *If the secretary*
10 *has placed the child with a CARE family, as defined in section 1, and*
11 *amendments thereto, the CARE family shall become the education*
12 *advocate for such child.* As used in this section, a parent is unavailable if:

13 (1) Repeated attempts have been made to contact the parent to
14 provide notice of an IEP meeting and secure the parent's participation and
15 such attempts have been unsuccessful;

16 (2) having been provided actual notice of an IEP meeting, the parent
17 has failed or refused to attend and participate in the meeting; or

18 (3) the parent's whereabouts are unknown so that notice of an IEP
19 meeting cannot be given to the parent. As soon as possible after
20 notification, the state board of education, or its designee, shall appoint an
21 education advocate for the child.

22 (b) If the secretary changes the placement of a pupil from one school
23 district to another or to another school within the same district, *or a CARE*
24 *family changes such placement,* it shall be the duty of the secretary to
25 transfer, or make provision for the transfer, of all school records of such
26 pupil to the district or school to which the pupil is transferred. Such school
27 records shall be transferred at the same time that the pupil is transferred or
28 as soon as possible thereafter.

29 (c) As used in this section, the terms "exceptional child," "special
30 education," and "education advocate" have the meanings respectively
31 ascribed thereto in the special education for exceptional children act,
32 K.S.A. 72-961 et seq., and amendments thereto. The term "pupil" means a
33 child living in a school district as a result of a placement therein by the
34 secretary pursuant to this code.

35 Sec. 3. K.S.A. 2014 Supp. 38-2218 is hereby repealed.

36 Sec. 4. This act shall take effect and be in force from and after its
37 publication in the statute book.

DCF

Meeting and discussion with the Secretary of DCF give cause for optimism that things will improve. Many of the incidents in this report predate her tenure and she understands what needs to be done. An improvement in front line training and supervision of the contractors is underway or close to being implemented. Staffing and quality control measures are being reviewed as a recognition that a decision made beforehand inherited which results in grave damage occurs on her watch and must be handled appropriately and with transparency. If legislation results from our efforts and is coordinated with DCF stand a good chance of being successful.

The legislature, too, must take responsibility for failure to use proper oversight, annual review of the budget and the social services budget committee is not sufficient.

Contractors

The quality of work by the contractors needs careful assessment. Complaints of improper placements, continue, turnover of case workers seems high and (grand)parents of children removed from families is persistent as are complaints from attorneys. This is not unexpected from the latter two parties, but there is ample evidence of justification therefor.

The overall impression remains that the implementation of the 1996 privatization is not a success. It is expensive (see financials) and to some extent duplicative in work assignments. It grieves the author of this report who as an economist fervently believes in private sector efficiency to categorically state that this program as currently in place ought to be eliminated. Perhaps another method in privatizing services could be studied.

Possible Solutions

The information and documentation provided leads to the following recommendations, which are subject to input from multiple others and therefore only the authors suggestions for further study.

Change selection and qualification of foster parents. Some ideas in SB158 ought to be implemented

Establish quality assurance measures for contractor work product

Improve interphase DCF/Contractor by more staffing and control

Conduct frequent round table discussions with judges to assure proper decisions
Hold individuals responsible for major violations of policy
Create legislative oversight committee
Decide how better to utilize private contractors, if any, or
Make the present contract which expires July 17, 2017 the last such contract. This
ought to give sufficient time to make the necessary changes.

**Create a position of OMBUDSMAN - who should be able to resolve problems with
judges who arbitrarily misapply legal provisions and assist with solutions when
complaints against contractors and DCF come up.

Financials

A detailed financial cost/benefit analysis is beyond the scope of this report due to time constraints and the need for special expertise. After review of corporate tax returns and other data several general comments and assumptions can be made. Both contractors are exempt from income tax but profit margins could not be determined at this time. Total expenditures by the state in bi-annium are \$283,411,121.00 based on payments per case of \$3,933, \$3,642 and \$4,125 depending on the region served. This is exclusive of payments to caregivers.

After a cursory review of the financial data submitted it is not unreasonable to assume that substantial cost savings and better service and control and efficiency would result by bringing the contracted services back in house. Factors to be considered are the following:

- 1) This program is expensive with a total of \$283,411,121.00 spent in the last bi-annium, exclusive of payments to foster parents.
- 2) There is substantial duplication of work between contractor and DCF analogous to an extra level of additional hierarchy.
- 3) The work product of the contractors does not appear to merit the expense resulting in the multitude of complaints documented and, in effect the recent tragedies.
- 4) The turnover of case workers is a serious problem at 37% for one contractor. This has been pointed out by the attorney conferees. It disrupts the judicial procedures, makes extra work for DCF employees and confuses grand and foster parents and increases expenses.
- 5) The profit margins added on to the cost per case by these "non-profit organizations" must be healthy when the CEO of one of them draws a salary of \$650,000.00 per year.

Performance measurements of services is a continual challenge for management. To ascertain what benefits are derived from the \$280 million may be difficult and not totally expressed by financial data only, but it ought to be a principal concern for DCF and the legislature which must approve the funding. It appears much work must be done to make a proper determination of what we get for the money spent.

The state is presently renegotiating the level of payments to the contractors which is to be concluded by July 1, 2015. In view of the foregoing an increase in remuneration does not seem warranted.

APPENDIX

I. Examples of system breakdown

- 1) Makhi Boone - male age 4 brutally beaten to death. Previous physical abuse documented and reported. No serious follow-up.
- 2) Kadillak Poe-Jones - female 10 months left in hot car and died while the homosexual caregiver smoked marijuana with his partner in the house with her strapped in the car seat outside.
- 3) Victoria White - grandmother was a social worker for 25 years, husband retired naval officer approved for adoption, when a new case worker notified them a "better family" was found for the 8 year old girl. Read the report (which is verified) and you'll be surprised who that "family" turns out to be.
- 4) Winters - arbitrary removal of grandchildren. False testimony in court, potential judicial misconduct. This case was personally investigated by Sen. Lynn, Rep. Siegfried and the author. An outrage. The judge told the mother that she "did not like the grandparent's rights bill and it didn't apply in this case."
- 5) Testimony by two attorneys.

This is a small sample of complaints, a drawer full of similar stories is archived and may be accessed by anyone interested. It is important to note that none of the personnel involved in these tragedies seemed to have been held responsible.

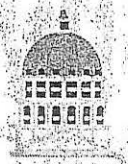


Bright idea
Energy conservation
good for budget,
planet. **Business**



BIG SATURDAY

Shockers, Jayhawks, Wildcats all victorious. **Sports**



THE TOPEKA CAPITAL-JOURNAL

SUNDAY ■ MARCH 1, 2015 ■ \$2.50 ■ CJONLINE.COM



TFI retrained staff before boy's death

Training came
in response
to allegations
of violations

By Jonathan Shorman
jonathan.shorman@cjonline.com

TFI Family Services retrained its staff — including on how to spot physical abuse — in response to alleged regulatory violations less than a year before it placed a 4-year-old

Hiawatha boy with his father, who beat him to death.

The training for the foster care company came in response to allegations made by the Kansas Department of Health and Environment that TFI violated state regulations on the proper placement of

foster children in two cases, including one in Topeka.

Documents obtained by The Topeka Capital-Journal reveal that the state agency held off on leveling a \$1,500 penalty against TFI in exchange for changes to the organization's policies and frequency of

training.

Four-year-old Mekhi Boone died in March 2013 after being beaten to death by his father, Lee Davis. The state removed Mekhi from his mother in July 2012, and TFI — which

DEATH continues on 9A



Davis

Death: TFI stresses its 'long and proud history'

Continued from 1A

at the time was one of the companies running the state's foster care system — placed Mekhi with his paternal grandmother. A few months later, Davis obtained custody of the child.

Although a teacher at Mekhi's preschool called a state hotline in November 2012 to report potential physical abuse, the allegations were found unsubstantiated by a DCF investigation. Additionally, according to court documents filed as part of a federal lawsuit against TFI and DCF, regulations regarding the number and frequency of visits to see Mekhi after he was placed with his father weren't met.

Just a few months before, however, TFI had retrained its staff on foster care placement regulations.

In a May 18, 2012, letter to KDHE, TFI reported on its training efforts.

"TFI is currently retraining Care Management, Re-

integration, and Resource Family Services Staff on the selection of placement process and requirements (will be completed by the end of June 2012)," the letter reads.

Emails show that material given to staff during the retraining included pages on how to spot physical, sexual and emotional abuse, as well as neglect. A document on physical abuse urges staff to ask themselves questions to determine whether an injury might be the result of abuse.

The questions included: Where is the injury? How many injuries does the child have? What are the size and shape of the injuries? Does the description of how the injury occurred seem likely? Is the injury consistent with the child's developmental capabilities?

In Mekhi's case, a visiting TFI worker noticed the boy had two black eyes during a Dec. 27 visit, which came a month after the hotline call, according

to court documents. Davis had contacted TFI before the visit, saying the child had fallen into the arm of a futon while playing at his grandmother's home and that he had taken Mekhi to the doctor.

TFI said in the document that the grandmother had confirmed to them through informal conversation that Mekhi fell on the futon, but the conversation was never formally documented. During a Jan. 18 visit, the worker noted Mekhi's bruises had disappeared, with no other bruising noted on his body.

Few details on allegations

Previous alleged violations had prompted KDHE to seek the retraining of TFI's staff. A consent agreement between the agency and company that stipulates unspecified changes to TFI's policies indicates the agreement resolved KDHE enforcement proceedings that included two child placements.

Few details are given in the documents obtained by the Capital-Journal about the apparent violations, though a June 4, 2012, letter from Denise Stevens, the KDHE public service administrator, refers to them.

"Kansas Department of Health and Environment (KDHE) has received and reviewed your responses regarding violations from recent KDHE complaint investigations regarding children in TFI-sponsored homes in (redacted) KS and Topeka, KS," the letter reads.

The recipient of the letter is redacted in the document, but it appears addressed to a TFI employee or representative.

"I appreciate your promptness in dealing with these matters and your willingness to work with KDHE to correct the violations and to bring the child placing agency into compliance with KDHE regulations," Stevens wrote.

The Capital-Journal has requested additional docu-

ments from KDHE through an open records request. The request, filed more than a week ago, is still pending.

In a statement, TFI — which currently sponsors about 700 foster homes — said it has a "long and proud history of serving Kansas families."

"In 2012 KDHE and TFI entered into a Consent Agreement to resolve KDHE's concern as to whether adequate background information had been collected on a child. That concern was resolved, without any finding of a violation by TFI of any law or regulation, by TFI submitting a plan approved by KDHE regarding additional training of TFI staff," the statement said.

"The 2012 Agreement is an example of how KDHE and TFI work together to advance the common purpose of serving foster children and foster families. When situations arise that call for a change in policy, or practice TFI, like its peer organizations, make

the necessary changes."

While the 2012 agreement — approved by the leaders of KDHE and TFI on June 1, 2012 — stipulates that the document doesn't constitute an admission of guilt, KDHE continued to refer to TFI's "violations" in Stevens' June 4, 2012, letter.

TFI didn't directly answer a question about whether staff members involved in Boone's placement had been part of the re-training.

"TFI will not comment on ongoing litigation but would note that the placement of children into the parental home in all cases is ordered by the court, not TFI," the statement said.

BF > Sentence in Wichita Case

A Wichita man has been sentenced to nearly three years in state prison after a 10-month-old girl died after he left her in a hot car while he and his partner smoked marijuana.

Twenty-nine year old Seth Jackson was sentenced Friday to 32 months in prison for one count of involuntary manslaughter. Prosecutors say the child, Kadillak Poe-Jones, died in July after she was left in the car when the temperature was about 90 degrees.

Jackson was originally charged with felony first-degree murder after investigators found he was smoking marijuana with his partner at their home while the child was outside. The men have said they believed the girl was playing with other children inside the house. They realized she was outside when they heard an infant crying on television.

The Topeka case has not been adjudicated.

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

~~To: hollywhite05@yahoo.com~~

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

Subject:

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

Information regarding Victoria White our great granddaughter

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

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

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

Here are the facts about the foster woman;

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

Here are some facts about Victoria:

She is being deprived of the following:

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

Children's Issues, *Joint Committee on*
Date: 11/30-12/01/09
Attachment: 8

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

To Whom it may concern:

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

The beginning:

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

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

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

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

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

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

Children's Issues, Joint Committee on

Date: 11/30-12/01/09

Attachment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Caseworker stated Wyatt had conjunctivitis – FALSE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTE:

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

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

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

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

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

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

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

The Result

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

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

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

The Result

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

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

Synopsis of visits with boys:

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

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

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

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

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

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

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

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

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

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

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

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

11-19-08, Wyatt bruised cheek.

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

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

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

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

NOTE:

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

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

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

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

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

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

Summary

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

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

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

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

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

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

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

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

attorney testimony

For Representative S. Mike Kiegerl

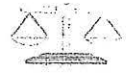
Mike,

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

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

I also represented a foster parent that was turned in by the case manager for abusing a child. I appealed the substantiation finding to the Hearing Officer and won due to the fact that it was documented that the child had previous issues with rocking which caused the bruising. In the findings the Hearing Officer made it clear that the children should not have been removed from their foster parent. In that case, the foster parents were in the process of adopting a 13month old

Children's Issues, *Joint Committee*
Date: 11/30-12/01/09
Attachment: 28



To: THE JOINT COMMITTEE ON CHILDREN'S ISSUES

Room 545 N
Kansas State House

Introduction:

My name is Erna K. Loomis. I am an attorney specializing in the area of child law and advocacy primarily in Johnson County, Kansas. I've practiced as a guardian ad litem (GAL) for 17 years. I also represent parents, grandparents, foster families and other interested parties in child welfare cases (Child in Need of Care or CINC). I appreciate the opportunity to express my opinions and experiences to the Committee. My perspective comes from the legal viewpoint of a practicing kid lawyer. I am thankful for your consideration of issues affecting our children.

The law:

The Child In Need of Care Code (K.S.A. 38), as recently revised by the legislature, is a sound body of statutes. It works well in almost all instances. Supported by case law, it is one of the best written bodies of law in the country as pertains to child welfare. In my respectful opinion, a change authorizing judicial determination of placement would improve the law.

- a) Placement: The law currently provides that upon a finding that an emergency exists or reasonable efforts have been made to prevent removal of a child from home, a child can be placed in SRS custody with the authority for placement. SRS stands in loco parentis (in the place of the parents) and takes custody of the child. SRS therefore makes many decisions for the child, including and most importantly, where the child lives. The Court can review placement issues, but can only order a specific placement not be made. The Court cannot order that a child live with a specific person or family.

The Court should be given the authority to review and order placement as the Court finds represents the best interests of the child. Without this recourse, only SRS can make these decisions. Currently, the only option a party can take is to ask that SRS custody be removed. This does not always represent a child's best interests either, leaving a catch 22.

Children's Issues, *Joint Committee on*
Date: 11/30-12/01/09
Attachment: 29



The argument generally made against this thinking is that the Court will be asked to “become a social worker” or micro-manage cases. The reality is that the Court is aware of the social file, receives reports from the agency, perhaps CASA, therapy, etc. and ultimately makes orders regarding the child. The Court should be able to make the final determination as to what placement represents a child’s best interests if the parties do not agree.

Guardian ad litem reflections

A guardian ad litem is charged under Supreme Court Rule 100 and K.S.A. to represent the child and to conduct an independent investigation as to what represents the child’s best interests. GAL’s often hear complaints that the agencies act without permission or input, do not place with family, are allowed to submit sometimes subjective court reports parents and family of the child are not allowed to see, act in arbitrary ways, do not return children when parents have completed reintegration plans, and don’t provide enough meaningful contact between children and parents in their visitation policies. In the course of investigating on behalf of children, I’ve found cases where this is true. It’s important for GAL’s to stay on top of case managers, investigate carefully and advocate strongly to make certain children’s best interests are served.

In my experience, when contractors have performed poorly in cases, it’s due to a few main factors:

- a) Inexperience of workers, changing workers
- b) Timeliness of services, dropping the ball, resources
- c) Placement issues-attachment of children to foster parents who want to adopt
- d) Policies that don’t serve families (visitation, grandparent visitation, resources)

Case examples:

- 1) Child taken into custody as an infant. Mother completed reintegration plan in 3 months. SRS would not return child citing “concerns”, but could not articulate what they were or assign tasks to remedy issues. Mother objected to baby being in day care in infancy, and that breast-feeding was interrupted. Mother was stay at home mother with 2 other children at home not in question. Mother also objected to non-placement with relatives and in a family racially insensitive to the child. Mother was killed in car accident 23 months after child came into custody. She claimed during the entire case that

29-2



KVC was working with the foster mother to facilitate adoption. After her death, her family came forward asking for placement. They are not being considered at this time. Foster mother is moving to adopt the child.

- 2) 6 siblings, all under 5, taken into custody due to severe abuse and neglect. All parents relinquished their rights or had rights terminated. Paternal grandparents were involved early in the case and asked for placement. They were denied as their house was not large enough. They moved to larger housing, and also began the process to become foster parents. KVC would not place with them citing children had bonded to foster parents. The State granted grandparents a foster care license. The grandparents were not chosen to adopt the children, but the foster family was. Grandparents argue they have been authorized to foster other children in custody, but not their own family. Children have been in care for 24 months.

Respectfully submitted:

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29-3