Expose’ IV- on the Child Abuse Industry
Recognizing the Problems, Seeking the Solutions

A two-year investigation by a Los Angeles Newspaper Group found that the child welfare system has taken thousands of children away from their parents in cases where it may not have been necessary or advisable, sending them to homes that are more dangerous than the ones they left. This is happening nationwide, not just in Los Angeles.

The reason? It appears to be a twisted system of financial incentives that rewards county Child Protection Service agencies for placing a huge number of children in foster care—spending from $30,000 to $150,000 for each child per year. This money comes from our Federal Social Security Trust Fund!

The reward system, which one expert called the “perverse incentive factor,” led Los Angeles County Department of Children and Family Services as well as CPS agencies nationwide to whisk children away from their parents when alternatives to out-of-home placement would have worked better.

A few victims of the Child Abuse Industry . . .

At 4, I was illegally taken by the police without a warrant from my non-abusive dad and forced into foster care. In my first foster home, I endured sexual and physical abuse. My foster mom, therapist and court appointed attorney brainwashed me to make false statements about my dad. My dad spent thousands of dollars defending himself in Dependency court. Now, my dad’s case plan has been completed for 8 months and hoping to go home very soon.

I went to the police and CPS while seeking help in a women’s shelter as I firmly believed my son was being molested by his father, who is an attorney. The outcome of me trying to protect my son, caused CPS to immediately give his father custody without any investigation. For the last two years, I have had only supervised visitation with my son. Due to this unjust ruling, my son has endured unthinkable acts of sexual abuse and his father’s alcoholism. I will not quit fighting for my son’s return and being an advocate for CPS and Judicial reform until this system is overhauled.

My children were removed five years ago from my care and placed in my mother’s home where she is paid by the government to keep them. Both children were taken 7 months after my son’s leg was accidently broken and I was accused of abuse. Half of my wages are being garnished for past due child support making it impossible for me to make ends meet. I will never give up trying to get custody of my children who want desperately to come home.

My 7-children were removed from my home and thrust into foster care when the police arrested my husband who was creating a domestic disturbance. They took all my children because they said I had a dirty home. After fighting in court for more than a year, I lost my home, and all of my possessions to pay for legal expenses. My husband and I were forced to live at the local homeless shelter. After one of my children was burned in a scalding hot bath in the foster home, then my 7 children were finally returned. I can’t believe our own government would treat families this way and make us pay for their mistakes.

My dad had health problems and put me voluntarily in CPS custody for two-weeks. Even though he recovered, CPS refused to send me home. I spent 23 months in a group home where I was prescribed a cocktail of psychiatric drugs. Everyone wondered why I developed behavior & health problems. Now, my dad is an advocate for CPS reform and they retaliated against us by keeping me in the system for so long.

July-August 2004
Mission Statement

The American Family Rights Association is a professional association of parents, grandparents, family rights advocates, former foster and adopted children, attorneys, licensed social workers, medical professionals, human rights and freedom advocates.

The insertion of the coercive force of government into the private lives of families, without accountability, due process, or recourse to redress the government for grievances is epidemic nationally and invariably harms families, communities, threatens our country’s future and should be vigorously opposed.

As an association we are dedicated to assisting families and their children by providing access to educational materials, news, support and information which will allow families and individuals to educate themselves on subjects of vital importance in restoring, exercising, and defending their sovereign rights and liberties.

Visit us at: www.familyrightsassociation.com
First and foremost, we want to thank everyone for their support and donations that helped make this trip a success. Without your donations and support this trip would not have been possible. It is with this kind of support and dedication that changes will be made.

The theme here is that “united we stand, divided we fail.” We feel that this is just one of many trips that must be made to open the doors to get CPS reform. A lot of good came from this trip and we have started to open doors that were previously closed to us.

One of the things that we did accomplish, was to establish that the AFRA does exist, and is a growing force to be dealt with and respected in the family rights arena! It was noted by Congressional staff, in the meeting at Feinstein’s office that “this was the first time anybody had contacted her office about any of this going on.”

On the 15th of June 2004 we met in the office of Congressman Wally Herger in the Rayburn Building. We discussed the main issues relating to our movement for CPS Reform.

Jim LaBrecque was a wealth of knowledge he spoke on, the issues of how the courts and judiciary were mishandling these cases, and how all 50 states failed the Federal reviews.

We discussed the facts that in spite of the consistent failure of the local agencies to comply with Federal Law [45CFR Ch.XIII @1355.36] the states still receive their funding as if nothing were wrong.

We pointed out that the courts, that are supposed to be the safety net for our families, has become the tool used by CPS to destroy American Families. Congressman Herger’s office conceded that the system has become adversarial and dysfunctional and that the current funding incentives are at fault.

We presented evidence with charts and graphs, showing how the states use the current funding streams to garner the maximum Federal reimbursements. We proved to them, that this is not in the “best interest of the child”, but is only in the best interest of the states.

Our delegates were extremely well versed, not only in the faults of the current system, but were able to show why the system has failed, and offered workable solutions to reform it.

Dennis Hinger presented the GLASS (Gay and Lesbian Adolescent Social Services) report and had great knowledge with the issues that were raised and being discussed.

Bill Tower addressed the issue of “Reasonable Efforts” and the how the need to follow this is paramount prior to the removal of children, to stop children from wrongly being taken from their homes and parents. (P.L. 96-272).
Anne Tower addressed the issues of how the system works against reunification and the parents. Starting with the initial investigation and how this is often nonexistent or totally incomplete, inaccurate and full of false statements.

Betty Kilbride covered the issue of how our Military personnel returning from overseas are being treated and that their families are being torn apart because the service person is “a dangerous, trained killer” and needs the help of the state in order to get their family back together. One officer in the military was even given the choice of his family or the military. So he quit the military.

From Herger’s office, we moved on to Senator Barbara Boxer’s and Senator Dianne Feinstien’s offices and discussed the same issues. Their offices had checked out the AFRA web site, (*note - I have mixed feelings of how they felt or how much credibility they were going to give us, regardless we presented the information. What they do with it is up to them. I just hope we all remember what help or not these people give us come election day.)

According to Staff, Senator Feinstien was supposedly totally unaware of the problem and would look into it if we bring her the proof. Senator Boxer “might” hold a Town Hall Meeting In California if we provide the proof and set it up! Both Senators received copies of Expose III, the March 13 San Bernardino Hearings and Texas State Hearings video tapes, copies of the GLASS report, etc. We are going to try to hold Senator Boxer to the Town Hall Meeting, but only time will tell.

All in all there was one consensus- that all who we called on would be favorable to hearings on these issues. Senator Feinstien’s office has stated that if we get the facts and figures together they will look into it and maybe recommend hearings to find out just what is going on.

We also went on to discuss the issues that we had and were important to our mission of keeping family together and how the system works contrary to this. (I personally don’t feel there is much support here.) But as long as we bring it to her attention and give her a chance to either show support for the changes we are looking for or not, it would be that she has done so with full knowledge. I recommend that we all start sending information to her office so they can not say “we have not heard of this”.

With the help and support of Debra H. in making 30 copies of the video tapes from San Bernardino Ca. and the Texas Hearings and her extensive work putting together the Expose III, we were able to get this information into the hands of many members of Congress on this trip. We also wish to thank Pat Miller and Christine Korn for their behind the scenes support of our trip.

To recap: we did accomplish the following:

1) Congressman Herger will now accept all 120 case files from the March 13, 2004 Congressman Baca’s San Bernardino C.A. Hearing. If we can deliver them to his office. This is already in motion....

2) Congressman Herger will draft and introduce legislation to Cap CPS Funding At Current Levels. Switch from the current Title IV-E incentive funding system to block grants. (This will result in keeping kids at home)

Herger’s staff says this will take a major fight to get it passed in the Senate, because Senator Snow of Maine and others are backing the CPS request for more money & more power.

3) Congressman Herger’s office and HHS Staff will allow us, (AFRA) to select 5 representative States, and to submit 20 To 25 case files from each of those states for their staff to review and investigate along with the 120 San Bernardino case files already submitted. If these 240 case files show substantial proof of nationwide CPS abuse of federal law and families rights, they will move for a Congressional investigation of CPS policies and practices.

Let’s Roll!

The 5 AFRA Washington Delegates
Saturday, June 19, 2004

For Gino Lee, failing grades were one of the symptoms of his unhappiness while living in foster homes for most of his 10 years.

But since being reunited with his family a year ago, Gino has twice made the honor roll and received an award naming him the “the multiplication champ.”

“He gives his teachers a calculator and tells them to try to keep up with him,” said his proud father, Carl Lee, of Canoga Park. “He has an outstanding knowledge of the number system. When he was in foster care, they said he had a learning disability and made him repeat kindergarten.”

Gino is one of 4,794 foster children who have been reunited with their families since early 2003, when David Sanders took over as director of the long-troubled Department of Children and Family Services.

Under his direction, officials have begun a radical culture change and an unprecedented push to return to their families many children who have spent years shuffling through foster homes.

Since Sanders started, the number of children living in Los Angeles County foster homes has fallen from 30,658 to 27,806, a nearly 10 percent drop. The $1.4 billion DCFS budget pays to support a total of about 75,000 children in the system and adoptive homes.

Meanwhile, the number of children removed from their homes — known as the detention rate — has declined from 657 last June to 598 in February, also a 10 percent reduction.

“When we go out to investigate and decide whether a family needs child protective services, more often than not we are deciding we can serve the family in their home and that has been a dramatic change for the department,” Sanders said in a recent interview.

In December, DCFS admitted for the first time in a series of Daily News stories that half of the children in the system had been unnecessarily taken from their families and placed in more dangerous environments because of financial incentives in state and federal laws.

These laws, according to state documents, encourage counties and their private contractors to earn money by placing and keeping children in foster care. The county receives $30,000 to $150,000 in state and federal revenues annually for each child placed.

“Kids need to be home,” DCFS spokesman Stuart Riskin said. “We need to look at the strengths of the family and work from there. We’re going back to square one. We’re going back to the family and all the positives the family has.”

The Board of Supervisors voted recently to seek a federal waiver that would allow DCFS to spend more than $250 million of its budget on services to help keep families together, including drug and alcohol programs, housing assistance, counseling and other services.

As he has directed his workers to try to keep families safely together, Sanders said the rate of abuse and neglect in the general population in the county has remained flat and mistreatment rates in foster care have dropped.

“I believe that whenever it’s possible, we need to reunify, if there is a chance of rehabilitating the family,” said Daphna Edwards Ziman, chairwoman and founder of Beverly Hills-based Children Uniting Nations. “This is a good thing, but without the financial support and services, it won’t work.

“We need to put out a cry for help for people to become foster parents,” she said. “Maybe we can create foster homes that are not using the system as an alternative to welfare. I think that’s where the biggest problem lies.”

Sanders said DCFS, school districts and numerous agencies that work with abused and neglected children are reaching out to churches to help troubled families and recruit potential foster and adoptive parents.

Lee lost his son to the foster care system in 1993, after Gino’s mother, Gina, suffered a medical problem shortly after the boy’s birth.
Despite a lack of evidence that the boy had been abused or neglected by his parents, Gino remained in foster care and grew up in a succession of seven homes. In some, he was physically abused.

His father fought unsuccessfully for years to get his son back and formed the Southern California Family Group Decision-Making Institute to help other parents get their children out of foster care.

After a new social worker took a fresh look at the case, Lee's family was referred to a program being expanded countywide that brings family, friends and clergy members together to craft solutions to reunify or keep families together.

Last summer, a judge approved Gino's return home.

"I'm really proud of him," Carl Lee said. "First of all, because he's my son, and secondly, because he did something the normal child doesn't do. He decided not to give up and he decided to beat the odds."

Troy Anderson, (213) 974-8985
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Almost 5,000 foster children have now been returned to their parents in Los Angeles County.

Just like Gino, many of them should never have been taken from their homes in the first place.

Thanks to the LA Daily News, Troy Anderson, and groups like the American Family Rights Association, the public is becoming concerned about the practice of placing children in foster care just to reap federal funding from the nation's Social Security Trust Fund.

Now that the public is watching, let's return about 35,000 more foster children to their homes residing in LA county foster care alone.

How about all the other CPS agencies operating in counties throughout California and the rest of the nation? Is public pressure going to make CPS accountable and release thousands of incarcerated foster children so they may rebuild their lives with their real parents?
March 12, 2004 – Desperate parents and guardians with shattered families go week after week to the county Board of Supervisors with humbling, sometimes cathartic but mostly fruitless cries for help. They come because a faceless, powerful agency armed with an $80.8 million annual budget and shrouded in secrecy has snatched away their children all in the stated cause of protecting the child.

The answer they get from these elected officials: “We can’t help you.’

It is said with an impotence born of frustration.

Despite their supposed power and influence, the hands of county leaders are tied because of federal confidentiality laws.

Not only are they denied access to files for the department they oversee, but officials in the Department of Children’s Services also are barred by law from discussing cases with them.

The same rules apply to the media, the public and anyone else to whom bereft parents and guardians might turn for help.

“There’s a lot of oversight, but the question isn’t whether there’s enough of it, but if it’s appropriate,’ said Board Chairman Dennis Hansberger.

In fact, about the only time the public learns of the mistakes of Child Protective Services is when a child dies.

Andrew Ibarra, a 23-month-old San Bernardino County child, died July 19, 2000, while in the care of a foster family in Riverside. Cynthia Marie Jackson, the foster mother and a serial child abuser of at least seven children left in her care, was convicted of murdering Andrew. She was sentenced to 25 years to life in prison.

An attorney representing Andrew’s biological mother said the toddler’s last social worker, who took the case four months before the boy died, never saw him. Only six of the 30 children assigned to the social worker had been seen by him in the six months prior.

The judge in the murder trial was highly critical of the agency’s performance in the case and in a later civil suit, Andrew’s biological mother settled with San Bernardino and Riverside counties for $350,000 for the loss of her child.

THE SYSTEM

The stringent regulations facing families whose children have been taken away, on the other hand, leave many with nowhere to turn, unless they have access to a high-powered and high-priced attorney.

Some couples, such as Cheri and Joseph Campbell of Morongo Valley, feel spent and run over by the system.

In May 2002, the couple were awarded legal guardianship of their grandchildren, a 2-year-old boy and a 4-year-old girl after another child died of a head injury while in the care of the Campbells’ daughter and son-in-law.

State law allows child welfare agencies to remove children from the home in such instances.

The Campbells cared for the children for eight months without a problem, even getting approval on Dec. 16, 2002, for what Cheri describes as “unlimited supervised visits’ by the children’s parents.

She said the judge confirmed that the approval included overnights.

A summary provided by the grandmother states: “Visitation between the child and parents shall be arranged by legal guardians and supervised by legal guardians.’

Five weeks after the hearing, and just before the Department of Children’s Services was to end its monitoring of the children, however, a new social worker was assigned to the Campbell case.

When he made his first visit to their home, which abuts a small chapel the Campbells operate, he found Cheri and her daughter at home with the children.

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removed from the home because court visitation orders were being violated.

"I would have never let them stay the night if there was a ruling," Cheri said. "I would never have taken that chance."

In the glow of a night light, Cheri's husband, Joseph, exchanged heated words with the deputy and social worker, citing the need for paperwork if they were going to take the kids.

The deputy's response was to empty pepper spray in the room, Cheri said.

The deputy later testified that Joseph swung at him, but Cheri remembers it differently: It was she who put her hand on the deputy's shoulder as she pleaded with him to listen to them.

Joseph was arrested and charged with assault with a deadly weapon. He plea bargained to resisting arrest.

In the meantime, the couple lost the children, who were placed in foster care.

Since that incident, they have fought against the disintegration of their family and the loss of their grandchildren, who face adoption by another family.

"If I was wrong, hurt me. Don't hurt the kids," Cheri said, breaking into tears. "They don't have what they could have had. They've been robbed."

**FIGHTING BACK**

The Campbells have since joined dozens of other parents and guardians in going before the Board of Supervisors each week to decry the system. Sometimes their accusations carry a tinge of desperation.

Some accuse the system of taking their children in a money-making scheme for the county, since the foster system provides money to the county and foster parents.

Cathy Cimbalo, director of the Department of Children's Services, denies that occurs and maintains that the mission, after keeping children safe, is to reunify families.

Her agency receives about 26,000 referrals a year for about 51,000 county children. Last year, the department removed about 2,200 children from homes.

From 1999-2003, the county removed 11,287 children. Of those, 57 percent, or 6,440, were returned to their families in less than nine months.

Based on information requested by The Sun, it seems that only a tiny percentage of families finds their experience with DCS warrants official complaint.

Since 2000, just 41 claims were filed against the county over custody issues. The written complaints to the county are the first step to litigation.

The San Bernardino County Grand Jury hasn't investigated the department in at least 10 years, officials said.

Just four cases are in litigation against the county.

"Typically the cases that get filed here are usually some sort of significant personal injury," Chief Deputy County Counsel Michael Sachs said.

The majority of cases brought against the county are by Jack Anthony, a Newport Beach attorney who has won a number of lawsuits involving abuse or neglect of children in foster care.

Anthony said a mechanism needs to be put in place to enable parents or guardians to make complaints to a receptive body without fear of retaliation or endangering the outcome of their case.

"When parents have (complained about a social worker) in the past, the social workers in one way or another have a way of getting even," he said. "You have social workers labeling the parents as troublemakers ... which makes the parents' job to get reunited with their children more difficult.'"

The need for improvement also hasn't escaped county leaders, even if it isn't always evident in their response to desperate parents and guardians.

"I hate to have people keep coming to the board and us having to say we can't help you," Hansberger said. "I would like for us to find a way for us to alleviate their frustration.'"

That change could come in the form of a state-mandated system overhaul under Assembly Bill 636, which would put county child welfare departments under the supervision of local boards.

San Bernardino County is in the diagnostic phase of a three-year process that began in November. Data were provided by the state on various areas of safety, permanency of placement and on a child's well being.

The department has until June 30 to identify areas of success and those that need improvement. A system improvement plan must be presented by Sept. 30 to the Board of Supervisors and the state for approval.

Although there are areas that will be changed, it won't be all-encompassing. Children will still be removed from homes, but if the county panel finds that the process is too traumatic, for example, steps would be taken to lessen the impact, said Brian Thomson, a child welfare services manager for the Department of Children's Services.

"We can certainly change a lot of how the child welfare system operates. But we cannot change the laws that govern child welfare. For the entire (system) to change, those laws would have to change too," he said.
**‘ALMOST UNTOUCHABLE’**

In the case of the Campbells, however, it's past the realm of no return. Cheri has sent letters to various agencies and complained to multiple officials.

“They’re almost untouchable,’ Cheri said of DCS. “It’s like probably what the victims of the Holocaust felt. People escaping … and trying to tell the truth and nobody believing them.’

The last time the Campbells saw their grandchildren was after a court hearing in San Bernardino about six months ago. They were waiting outside the courtroom when they saw the children being carried out.

“I called to them,’ Cheri said, “and they didn’t even recognize my voice anymore … They didn’t even turn around when I called them.’

In the course of the battle to regain custody, her trust in the system has diminished far beyond what she could have imagined.

“Two years ago, I would have said CPS is a wonderful organization,’ Cheri said. ‘Now I say, it needs to be torn up.’

Or at least revised as in a recent case in Washington, where the National Center for Youth Law in Oakland, a nonprofit law office, scored a recent lawsuit victory when a judge ordered the state to improve mental health services to children in the foster system.

William Grimm, a senior attorney at the center, said there still is need for further refinement, including who and what oversees the system. Checks and balances exist, such as with the juvenile court, which provides separate attorneys to every party in dependency cases. In theory it works, but more study may be needed.

“Is there an adequate mechanism for oversight? No,’ Grimm said, “and that’s not just for California.’

In fact, parents around the nation are pushing remedial legislation. In Utah, for example, a bill calls for improvements to the child protective system.

“Many of the children we see in the foster-care system are legitimately there and ought to be there,’ Grimm said.

Anthony, the Orange County attorney, has seen the worst of the system, but he has also seen instances where families accuse the system unfairly.

“A lot of times it’s not unfair and a lot of times the parents do blame the system for their own shortcomings,’ he said. “It’s not like the attorneys and the judges are unsympathetic to parents being treated unfairly, but they take with a grain of salt the complaints.’

http://www.b2g4.com/boards/board.cgi?action=read&id=1079108040&user=desertdawg
one of several agencies contracted by FSSA to place children. Within a few days, a judge must approve the arrangement.

Last year, parents reimbursed the state $543,000 for court-ordered foster care, up from $340,000 in 2002.

The payments go to the Office of Family and Children in the county that handled the case, Collier said. In Patrick’s case, the money will go to Hendricks County.

Judges issue reimbursement orders, but no one actually enforces payment, officials said. Parents may be persuaded to pay because sometimes the reimbursement is a condition that must be met before the child is returned home.

FSSA also collects child support ordered through paternity or divorce proceedings, Collier said.

“If someone owes on a child-support order, we have tools like tax-refund intercept, seizing bank accounts, putting liens on vehicles and income withholding. But we are prohibited from doing these things on reimbursement orders,” she said.

To help offset the costs of foster care, Indiana receives federal funds under the Title IV-E program. The program pays foster-care expenses only for children of families eligible for or receiving public assistance. The state received more than $69 million through the program last year.

Officials estimate that two-thirds of families that do not qualify for the federal funds can afford to pay something toward their children’s foster-care expenses.

Patrick, who never married the child’s mother, already had taken steps to establish legal paternity when the boy was taken from the mother by Brownsburg police on Feb. 15. Patrick and his family frequently kept the boy on weekends and saw the injuries during one such visit. Patrick’s mother reported her suspicions that the boy was being abused.

The child was placed in foster care after his mother, Andi J. Pence, 23, and her boyfriend, Kevin C. Wyatt, 29, were jailed and accused of giving the boy a black eye, choked him and broke his hand. Both are charged with battery, and she also is charged with neglect of a dependent. Both are now out of jail and under house arrest.

Pence told police the child was injured falling out of a bed and wrestling with his cousins.

Child Protection Services officials turned the child over to Patrick on April 21 on the condition that he not allow the mother any contact. That week, he received a $428 bill to pay for a guardian ad litem — the attorney appointed by the court to protect the child’s interests in the custody hearing.

He said the child’s mother, now out of jail on bond, also was billed.

Patrick’s parents, Frances and Tyler Patrick, are able to help their son with the expenses.

But many parents struggle to pay the foster-care costs.

Wanda and Kevin Cochran’s three children were taken from their Fountain Square-area home after an anonymous complaint that their house was flea-infested and their children were dirty.

The family had been receiving welfare payments and food stamps, which were cut off when the children, ages 5, 4 and 1, were removed from the home Oct. 9.

Wanda Cochran, 23, now works at an outlet store, bringing home about $300 every two weeks. Her husband is disabled and has no income. They must pay $50 every two weeks on a $1,350 bill for nine days of court-ordered foster care.

The couple think the children, who are now living with a relative, should not have been removed from their home. “I don’t mind paying if this will help me get my kids back,” Wanda Cochran said. “But it does hurt, especially when we don’t get any other money in.”

The committee’s recommendations to require more parents like the Cochrans to pay for foster care may be included in a final report expected to go to Gov. Joe Kernan in August.

By the numbers

7,700 — Number of children in foster care in Indiana last year.

4,400 — Number of foster homes in Indiana last year.

$18 to $100 — Amount paid to foster parents per child per day. Can be higher for children with serious emotional or medical problems.

$195.6 million — Amount paid to Indiana foster families in 2002.

$543,000 — Amount paid by parents last year to reimburse counties for foster care.

$32,000 — The number of children in foster care nationwide in 2002. [This number does not reflect the number of children who have passed through foster care and are now adopted. These adopted children “parents” still receive payments from the social security fund until they are 18 or older.]

SOURCES: Indiana Family and Social Services Administration and the Administration for Children and Families of the U.S. Department of Health and Human Services
AUSTIN, Tex- (AP) — The state's foster care system needs a massive overhaul, particularly the special camps where a small number of children are housed, the state comptroller's office said.

Announcing the results of a seven month investigation, Comptroller Carole Keeton Strayhorn on Tuesday showed large color photographs taken at group foster care facilities, including a sewage-spewing outdoor toilet and a secret attic "seclusion" room where children could be locked inside.

"I challenge any defender of the current status quo to put their child or their grandchild in some of the situations, some of the places that I’ve seen, for one day, much less for a lifetime," she said.

The investigation by Strayhorn's office followed reports from news organizations and other complaints that children have died, run away and suffered sexual, physical and emotional abuse after being placed in the state's custody.

Much of Strayhorn's criticism was directed at “therapeutic camps,” which offer an experience in outdoor living deemed helpful to some troubled children, and residential treatment centers, where foster children live as a group instead of with families. About 20 percent of foster children live in such group facilities, the vast majority of them in the residential centers. In all, there are 16,000 children in foster care at any time in Texas.

The report does not name homes where problems were discovered, but shows photos of homes with squalid toilets and other problems.

At one therapeutic camp, Strayhorn said, children used makeshift outhouses and slept outdoors in sleeping bags, sometimes for years. “That’s not care. That’s cruelty,” Strayhorn said.

The Texas Department of Family and Protective Services, which oversees foster care, responded by saying it has begun making changes.

"Obviously there are situations in the foster care system that we would like to improve, and we have taken steps to make improvements in the areas addressed by the comptroller’s report," said spokesman Geoffrey Wool.

The report makes 87 recommendations, including saving and redirecting $193.9 million so that state enforcement staff can be beefed up.

“This is a huge step,” said Jerry Boswell, president of the advocacy group Citizens Commission on Human Rights. “Finally someone is actually recognizing what’s going on in these facilities.”

First elected comptroller in 1998, Strayhorn says it’s her duty to monitor the way Texas spends its money.

Some critics have questioned her use of audit powers, and last year the Legislature removed her authority over performance reviews of school districts and recommendations for state government spending.

Strayhorn, a Republican, hasn't ruled out running for a higher elected position in 2006 — for governor against incumbent Republican Gov. Rick Perry.

COMPTROLLER: “TEXAS IS ABUSING THE CHILDREN IT IS SUPPOSED TO PROTECT”

“From an outdoor ‘pee wall,’ to unrefrigerated meat patties, plastic sheets for walls and an attic lock-down room, Texas is abusing the children it is supposed to protect.” So reported today’s Houston Chronicle in reference to “Forgotten Children” a seven month investigation into foster care released yesterday by Texas Comptroller, Carole Keeton Strayhorn.

The Chronicle continued that the report “said the Department of Family and Protective Services operates a system in which children have died, been reported missing and suffered sexual, physical and emotional abuse.”

Moreover, Strayhorn says in the report, “The truth is some of the children are no better off in the care of the state than they were in the hands of abusive and negligent parents.”

These facts come as no shock to us at Texas Center for Family Rights. Is it any wonder that children are treated as chattel when handed over to strangers? Certainly there are well-intentioned foster families and managers of group homes. But there are also foster parents and group home facilities in the business for one reason: money.

Wouldn’t it make more sense to give parents the option to direct the placement of their children with other family members, relatives, church members, neighbors and friends than to turn them over into the hands of strangers? Wouldn’t that make more sense for the best interests of the children?

Or wouldn’t it make more sense to remove the alleged perpetrator from the home during the investigation rather than the children? Why subject the children to certain emotional trauma during an investigation when there is no certainty that abuse even occurred? Wouldn’t that make more sense for the best interests of the children?

And wouldn’t it make financial sense to save the state money by not incurring the excessive costs of foster care?

Of course, these common sense principles make too much sense unless there is a motive that supersedes common sense. Unless perhaps money motivates the decisions.

Could there be dark secrets behind the veil of CPS? The Comptroller’s report calls it a “Crisis in Texas Foster Care”. It reveals: “Federal and state oversight agencies have reported on DPRS’ troubles repeatedly, yet the problems remain...The system reflects a legacy of weak leadership; an atmosphere of helpless acquiescence to the status quo; a reluctance to look too closely into dark corners; a culture of self-protection and buck-passing.”

Among the “many and varied” problems are “perverse financial incentives to keep children in restrictive environments by paying them more money to provide children with expensive and restrictive placements, and offering them little incentive to help children return to their homes or become adopted.”

Yes, it is time for a change. TDFPS must be held accountable beginning with the Executive Director, Thomas Chapmond and every level down to the newest social worker. They must be held accountable because they are dealing with children – children made in the image of God, not chattel.

The Houston Chronicle article can be viewed at: http://www.chron.com/cs/CDA/ssistory.mpl/metropolitan/2489841
Comptroller Strayhorn’s report in its entirety can be viewed at: www.window.state.tx.us/forgottenchildren/
That’s not care.
That’s cruelty.
Carole Strayhorn on living conditions at some Texas foster care facilities.

Sleeping platform at a therapeutic campsite.
Foster children have limited space for their possessions. A toothbrush and tube of toothpaste lay on the floor near the door. During the winter, plastic sheeting is used to provide limited protection from the cold. Children live here 365 days a year. This facility receives a daily rate from DPRS for each foster child ranging from $80 to $115.

Open showers at a therapeutic campsite.
These unheated open showers are the only type available to foster children who live at the facility year round.

Frozen milk is not recommended.

That’s not care.
That’s cruelty.
Carole Strayhorn on living conditions at some Texas foster care facilities.

Food preparation area at a therapeutic campsite.
This photo shows the cook site at this wilderness camp where children prepare 11 of their own meals every week. There was no dishwashing detergent. A local health inspector reported that individual campsite food preparation areas were unsanitary.

Freezer at a therapeutic campsite.
According to the National Dairy Council, freezing milk is not recommended. “It causes undesirable changes in milk’s texture and appearance.”

“Pee Wall” at a therapeutic camp.
According to DPRS rules for wilderness camps, toilet areas must be located at least 75 feet from sleeping areas. The adjacent sleeping area is only a few feet away. This facility receives a daily rate from DPRS for each foster child ranging from $80 to $115. DPRS standards for permanent camps require flush toilets if the water supply is available. There is water available through pipes at the campsites. DPRS has been licensing camps like this one for more than twenty years.
Perry Vows To Find Cracks In Child Protection System

Grand Jury Indicts Agency With 3 Counts Of Causing Bodily Injury To Child

POSTED: 8:34 am CDT July 2, 2004
By LYNN BREZOSKY
Associated Press Writer

HARLINGEN, Texas — For the second time in three months, an agency's apparent failure to protect some of the state's most vulnerable has Gov. Rick Perry calling for a sweeping investigation.

Perry ordered Health and Human Services Commissioner Albert Hawkins on Thursday to assemble a team to investigate Child Protective Services. In April, Perry asked for a similar investigation into Adult Protective Services, which is charged with overseeing care for elderly adults.

There is enough evidence from various parts of the state to suggest that some of our most vulnerable children are not receiving the protection they need from abusive situations, Perry said. "The evidence leads me to believe we have a systemic breakdown in the safety net."

On Friday, Hawkins said he agrees there are indications the system has problems.

"Clearly, anecdotal information and evidence suggests that it doesn't work in all cases as well as it should, so we want to make sure that we do have a well-functioning system," he said.

The investigation will take about six months and will be led by Brian Flood, inspector general for the Health and Human Services Commission, an umbrella agency that includes Child Protective Services. The inspector general is an independent position appointed by the governor, Hawkins said.

Flood, a former prosecutor, said the investigation initially will focus on complaint intake, child abuse investigation procedures and decisions to remove children from their homes.

Perry's order came the day after a Hidalgo County grand jury indicted the Department of Family and Protective Services, CPS's parent agency, for failing to intervene in a sexual abuse case involving three sisters. The month before, CPS disbanded a unit that specialized in child-parent reunifications following the beating death of a 2-year-old girl six weeks after her mother regained custody in San Antonio.

The APS probe came after a probate judge in El Paso sent the governor case files of elderly people who had been left in squalid and dangerous living situations despite repeated requests for APS intervention. A preliminary report released in mid-May concluded that the problems were statewide and included a lack of staff training and little or no followup on the cases.

"The only reason APS came back is you had a judge in El Paso who said 'hey, you all need to wake up, there is a crisis,'" said state Rep. Carlos Uresti, a San Antonio Democrat who chairs the House Human Services Committee. "Well, I'll tell you today that Child Protective Services is in a crisis, and what also concerns me are the other agencies that deal with our mentally ill, our disabled, mentally retarded, deaf, and blind. ... We have problems across the board."

Wednesday's grand jury indictment caused confusion among state and local officials, who said it was unprecedented and caught them off guard.

It charges the agency with three felony counts of causing bodily injury to a child "by failing to protect the child."

"The defendant had the legal duty to act ... promote the enforcement of all laws for the protection of abused and neglected children," the indictment reads.

Typically in Texas, the district attorney would begin prosecuting a case after grand jurors determine there is enough evidence for trial. Hidalgo County District Attorney Rene Guerra said he has never heard of an agency being indicted and did not believe he could pursue a case.

Angela Hale, a spokeswoman for the Texas Attorney General's Office, which acts as the lawyer for the state, said the office was researching whether the agency has immunity.

Department of Family and Protective Services spokesman Geoff Wool said the agency also is confused.

The indictment follows the Hidalgo County Sheriff's Department's complaint that Child Protective Service workers sat on a case involving three sisters, now aged 12, 13, and 14, allegedly sexually abused by a stepfather. The 13-year-old said her stepfather impregnated her. The grand jury last week indicted the stepfather on 15 counts, including rape of a child under 14.

Wednesday, the girls' mother was charged on 10 counts, including allegations she hit the girls with extension cords and fan belts and allowed her husband to rape the 13-year-old.

It did not name any individual case workers.

"The sheriff's office investigated and substantiated enough evidence to arrest," Guerra said. "The jury just widened the scope and looked at the conduct of the department, and they were not pleased with it."

"Patrick Palmieri, one of the grand jurors, said in a story in Friday's editions of The (McAllen) Monitor that the grand jurors were able to "see a pattern of failure. We felt like we had to do something."

Palmieri said the grand jurors investigated how the local CPS office handles its caseload.

"There's not just one case that we viewed that was a basis for what we did," Palmieri said. "This is the epitome of a broken system."

In our “child protection system,” children are five times more likely to die from physical abuse and 11 times more likely to be sexually abused than in their own homes. Child Protective Services Watch tells us. The organization also reports that, on average, a foster child will spend at least three years in the system and live in three different homes during their stay in foster care.

It would be a comfort if we could at least say that there are not too many children in the system, but we would be wrong. There are presently over a half a million American children in foster care — nearly enough children to replace the entire population of our nation’s capitol. On any given day, more than 91,000 of those children are Californians (for purposes of comparison, that’s roughly the population of Santa Barbara).

Californians should be especially embarrassed and outraged. This state has one of the worst systems for providing child welfare services in the entire country. The Sacramento Bee reported in January that just last summer police burst into a house to arrest suspected drug dealers and found seven children inside who depended on the State of California for their care. Last year when the federal government reviewed states’ services for children and families, California failed. In fact, the legislative analyst’s office reported that California is the only state that failed more than four of the seven standards for children’s safety, well-being and placement in a permanent home.

These children often travel from house to house with their few personal belongings in a used paper grocery bag or thrown over their shoulder in a plastic garbage sack. More than 1 in 10 California foster children will pack their things and move to a home filled with strangers, go to sleep amidst unknown surroundings and often go to a new school five or more times for every 12 months that they have been entrusted to foster care.

The Little Hoover Commission, a California State government oversight organization reports that, despite perhaps good intentions, some experts estimate that nearly half of the children in California’s foster system should never have been removed from their families and have been even more traumatized as a result. The children would have benefited most if their families had been given some basic support, treatment and parenting training.

Tell Me Why Can’t I Be Where You Are?

Show me the meaning of being lonely
I’ll see you when I’m 18...

There’s something missing in my heart...

San Francisco Chronicle

Foster care is

Looking for solutions

One proposal being studied by the committee, a so-called “kinship rule,” would give blood relatives more say in where children are placed. Some 250 petitions supporting more parental rights were presented to the committee, which quizzed state officials, judges and others involved in the child-protection system about why so many thousands of emergency seizures of children are necessary each year and why more children are not placed with relatives, instead of in foster homes.

Even so, Scott McCown, director of the Center for Public Policy Priorities, an Austin-based think tank, offered another perspective from his years as an Austin state district judge who handled child-protection cases. “The problem is not that we don’t do enough investigations. The problem is not that we don’t place enough children with relatives, or that we place too many in foster care, or that we do too many emergency removals,” he said. “The problem is that these programs are drastically underfunded, and we’re expecting too much from this system we’ve created.

The Rev. Jerome Milton, pastor of Pleasant Hill Baptist Church in Tyler, offered an unusual plea as someone who grew up in 14 foster homes, two reform schools and two orphanages, “who was mentally, physically and sexually abused,” and who now has six adopted children:

“There’s no question the system has problems and that those problems will continue, until the hour comes, that you say enough is enough,” Milton told the committee. “That hour is now . . . for the hopeless, voiceless, helpless children of Texas.”
the system can’t even keep track of them. In any given month the state departments entrusted with tracking these children have no idea where hundreds of them are — some may be runaways, some may have been kidnapped by relatives, and some are simply unaccounted for.

**Our government is funding this system in our names and with our tax dollars.** We say this system is un-American. Our system for handling abandoned, neglected and abused children is broken. Consider that a nationwide Casey Foundation Study found that we are spending nearly $100 billion dollars annually on direct and indirect costs associated with child maltreatment and we end up with a system that often appears worse than leaving children in the homes we considered unfit.

Part of the reason so many children end up in this broken system is due to the way that the federal government pays for child-welfare services at the state and county levels; these local governments earn more federal money by having more children in the system. Technically this is called a “perverse incentive.” State and county governments receive open-ended funding from the federal government for children who are in the Child Welfare System, while they only get limited funds to provide services that might eliminate the need for some children to be in this system in the first place. Linda Wallace Pate, a veteran attorney in foster cases, justly states that “it’s scandalous that the California foster care system has been reduced to a ‘kids for cash’ system.”

It’s easy to start pointing fingers, and social workers — who are the direct links to these children — often get the worst rap. In most cases, however, these are compassionate, well-meaning and horrifyingly overworked individuals trying to operate within a broken system.

**The real responsibility lies with legislators and voters.** With a 2003-2004 State budget of $1.7 billion ($447 million less than last year’s), it is unclear how California will be able to improve its services for our needy children. Nonetheless, even in this period of severe budget cuts and competing priorities, legislators and voters should make these children a top priority.

Over the years there have been multiple attempts to fix the system, and currently the Department of Social Services is implementing a Child Welfare Redesign program. All of these efforts, however, do not go far enough because they do not offer a true redesign of the system - instead they offer only symptom management. Organizations, like the Little Hoover Commission, have provided multiple reports offering thorough descriptions of what needs to change, but unfortunately these are not the changes that are implemented. We must demand centralized oversight, communication, and organization of the state agencies that serve our most disadvantaged children. Moreover, we must take action on behalf of these children who do not have a voice in our political system. After all, these children can’t vote.

**Learn more**

There are a number of organizations that work on behalf of children in foster care. One such group is the California Youth Connection, a statewide, youth-led advocacy organization with members (current and former foster youth age 14-24 years) throughout 23 county chapters. CYC, the only such organization in the nation, strives to improve the foster care system by helping youths learn their rights and have a say in the treatment and the services that they receive. Government officials and youth advocates alike have recognized CYC for its contributions. For more information, contact 800-397-8236 or jknipe@calyouthconn.org.

Christine Borders is a former CEO and past president of a child-welfare foundation who is completing a Columbia/UC-Berkeley executive MBA program. Ariel Coyote is a licensed psychologist who has worked for nearly a decade with foster children in private and public programs.

http://sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2004/05/02/EDGC76DA4O1.DTL
Alicia Davis may be America’s first state-funded defense attorney for parents accused of abuse by the same state’s own child protective services. She assumes office this week as Utah’s director of the Office of Child Welfare Parental Defense.

The local press has already dubbed Davis “the Parent Czar,” but skeptics wonder if she can effectively protect parental rights. Some wonder whether her position — apparently created as a last minute addition to a bill — is a compromise that won’t work?

Davis’ post as “parent czar” was created partly in response to the case of Daren and Barbara Jensen, who became embroiled in Utah’s child protective services system when their 12-year-old son Parker was diagnosed with cancer. The Jensens declined a recommended 49-week course of chemotherapy, preferring to exhaust medical options with other doctors. Utah’s Division of Child and Family Services attempted to remove Parker from the custody of his parents.

The charges against the Jensens were ultimately dropped, and Parker is reportedly in remission. However, the case became a lightning rod that galvanized a crusade to strengthen and protect parental rights — and has made Utah a rallying point for the cause of defending parental rights against unreasonable invasion by child welfare agencies.

Most states are wrestling with the same basic question embodied by the Jensen case. Can child welfare services become responsible and respectful of parental rights, or is it time to eliminate the system and start anew? And while the continuously erupting scandals, abuses, failings and incompetence of state child welfare agencies has convinced most that change is necessary, government and parental advocates disagree as to the direction and scope of change. Should procedures be reformed or is fundamental change necessary?

The last session of the Utah Legislature illustrates this disagreement.

Carried by a surge of support for parental rights, over 30 bills to reform Utah’s child welfare system were introduced in the Utah Legislature’s 2004 general session. Cumulatively, they strengthened parental rights and restrained the DCFS. One measure, known as “The Parker Bill,” required the DCFS to prove a parent was not a “reasonable, prudent and fit caregiver” before nullifying that parent’s right to decide medical treatment for his or her child.

Fifteen bills were finally approved, but the most ambitious measures were either defeated or stripped of controversial provisions. For example, the Parker Bill did not pass.

To kill The Parker Bill, Utah’s Democrats reportedly used delay tactics, running a vote up to the end of the session. The Salt Lake Tribune reported on House Bill 266, which would have “changed more than 50 areas of child welfare code — beginning with redefining what abuse is and ending with a tougher standard of proof needed in terminating parents’ rights.” Rewritten five times with over 30 pages deleted, the bill also did not pass.

Director of the DCFS Richard Anderson expressed pleasure, saying, “The bills that passed are ones that help the system.” In short, most of the bills reformed procedure within the system, without changing the system itself. Some procedural changes were significant. For example, H.B. 54 requires that all investigative interviews with children be “videotaped or similarly recorded.”

Advocates of parental rights pledged to continue fighting. Sandra Lucas, executive director of the Utah Chapter of the Citizen’s Commission on Human Rights stated, “We will not go away. We will be back until we shift the balance back [to respect for parents].” Republican Sen. Dave Thomas, who championed the bills, referred to the Democrat’s delay tactics when he vowed, “expect to see something next year.”

Advocates of parental rights face a tough battle in Utah and elsewhere. They confront huge government bureaucracies at both the federal and state levels that will not surrender authority easily. Collectively, the behemoth has been called “the child welfare
industry.” It consists of social workers, judges, bureaucrats, politicians, lawyers, therapists, commentators and others whose income depends on a system that views parents with suspicion. In crassly commercial terms, abused and neglected children are the source of a multibillion-dollar industry.

Yet, the need for change — and not just in Utah — is clear. Tragic headlines about foster children are too common. One of the latest is Florida’s current investigation of a 10-year-old girl, reportedly “at risk of imminent death.” She weighed only 29 pounds after four years in the custody of assigned caregivers who were regularly visited by DFCS workers.

Other children were not so fortunate: 4-year-old Anthony Bars was beaten to death by an approved caregiver who had a known battery conviction against his own daughter. The Indiana caseworker involved was charged with “official misconduct and falsifying information in an adoption proceeding.”

Both government and families acknowledge the need for change. Last month, a grand jury in California called for an independent audit of Child Welfare Services’ top management, which it described as “heavy-handed” and “autocratic.” The grand jury questioned whether the department is “properly protecting children.”

A June 8 press release from the American Family Rights Association reads, “During the Congressional hearings held in San Bernardino, and the more recent hearings before the Texas House Interim Sub-Committee on Child Welfare and Foster Care, irrefutable evidence was presented of abuses of authority and violations of civil rights by state agencies nationwide in the pursuit of ‘maximization of the federal funding stream’. (States receive federal money for every child placed in foster care.)

Many eyes are now on Utah’s new Parent Czar to see if she makes a difference to parents like the Jensens. Skeptics wonder how adding a new layer of bureaucracy can solve problems caused by too much bureaucracy. And can an office that functions under the same aegis as those it is accusing really be independent?

I’m a skeptic. Nevertheless, if the Parent Czar is even marginally successful in abating criticism of the DCFS, we are likely to see more czars popping in child welfare departments across North America.

http://www.foxnews.com/printer_friendly_story/0,3566,124869,00.html

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Study: Kids are hurting for lack of court help

By Daily News Thursday, July 01, 2004

A chronic shortage of services for families, poorly prepared social workers and jammed court dockets are among the barriers to finding permanent homes for children in foster care, according to a survey released Thursday.

The survey by Fostering Results involved more than 2,200 judges nationwide, most of whom said overcrowded court dockets resulted in delays in finding safe homes for foster children. When asked to name their biggest frustration with the child-welfare system, nearly half of the judges cited a shortage of services for families and children in need.

“These survey results are among the most-persuasive evidence to date that we need to create the structures, information, and accountability to move children expeditiously through the foster-care system,” said Miriam Aroni Krinsky, executive director of the Children’s Law Center of Los Angeles, counsel for more than 25,000 young people in foster care. “The survey also confirms our need to rethink how we do business and to develop critical services needed to keep more families intact and avoid placement of children in the foster-care system in the first instance.” State and federal policies provide revenue for counties and private contractors to place and keep children in foster care. Congress is debating reforms to end or reduce financial incentives.

http://www.dailynews.com/cda/article/print/0,1674,200%257E20954%257E2247336,00.html
Up to half of Los Angeles County’s foster children were needlessly placed in a system that is often more dangerous than their own homes because of financial incentives in state and federal laws, a two-year Daily News investigation has found.

The county receives nearly $30,000 a year from federal and state governments for each child placed in the system — money that goes to pay the stipends of foster parents, but also wages, benefits and overhead costs for child-welfare workers and executives. For some special-needs children, the county receives up to $150,000 annually. “Called the ‘perverse incentive factor,’ states and counties earn more revenues by having more children in the system — whether it is opening a case to investigate a report of child abuse and neglect or placing a child in foster care,” wrote the authors of a recent report by the state Department of Social Services Child Welfare Stakeholders Group.

Since the early 1980s, the number of foster children in California has gone up fivefold, and doubled in the county and nation. About one in four children will come into contact with the child welfare system before turning 18, officials say.

This has overwhelmed social workers, who often don’t have time to help troubled families or monitor the care children receive in foster homes.

The hundreds of thousands of children who have cycled through the county’s system over the years are six to seven times more likely to be mistreated and three times more likely to be killed than children in the general population, government statistics reveal.

Officials acknowledge that more than 660 children embroiled in the county’s foster care system have died since 1991, including more than 160 who were homicide victims.

‘Could have stayed home’ “The county’s foster care system makes Charles Dickens’ descriptions look flattering,” said Mark Rosenbaum, legal director at the American Civil Liberties Union of Southern California. David Sanders, who took over as director of the Department of Children and Family Services in March, said experts estimate up to 50 percent of the 75,000 children in the system and adoptive homes could have been left in their parents’ care if appropriate services had been provided. He said DCFS comes into contact with nearly 180,000 children each year.

“There were probably issues the kids and their families were facing, but if they had some kind of support services, the kids could have stayed home,” Sanders said. “At the extreme, there are clearly parents who never should have had their children. They torture their children and everyone in the community would agree that they should not have their children.

“On the other end, you clearly have situations where families have done things, but may be under stress one day, have every intention of taking care of their children and are not dangerous, but involvement by child protective services ends up being much too intrusive.”

The Daily News’ investigation of the child-welfare system, which is shrouded in secrecy by confidentiality laws, involved the review of tens of thousands of pages of government and confidential juvenile court documents, studies, computer databases and several hundred interviews.

As the investigation progressed, state and county officials acknowledged that the financial incentives built into the laws encourage the needless placements of children in foster care, and officials have started taking steps to reform the system.

Social worker Anthony Cavuoti, who has worked 14 years for the county, said DCFS employees use the most liberal of guidelines in deciding whether to remove a child from their home. Some parents have had their children removed for yelling at them, allowing them to miss or be late to school or having a dirty home.

“The service that DCFS now provides is worse than the abuse that most abused children ever experienced. The trauma they inflict on ordinary children is unspeakable.” Overeager caseworkers Sanders said he thinks caseworkers have sometimes been too eager to remove children from their homes — a practice he is trying to change.
“I think children should only be removed when there is an imminent risk. I’ve said consistently that we do have too many children who have been removed,” he said. “We need to provide the kind of supports to keep these kids at home.”

As early as 1992, the state’s Little Hoover Commission cited experts who estimated that 35 percent to 70 percent of foster children in California should never have been removed from their families and have suffered deep psychological trauma as a result. On any given day, a total of 175,000 children are now in the state child protective system.

In recent months, parents in several states have filed class-action lawsuits and testified before Congress, alleging that thousands of their children have been wrongfully taken from their homes.

State and county officials admitted recently that they have placed too many children in foster care, especially poor and minority children. California has 13 percent of the nation’s total child population, but 20 percent of its foster children, statistics show.

Minorities make up 85 percent of foster children in the county and 70 percent statewide. Experts say so many minorities are placed in foster care because the federal government pays for most of the costs of caring for foster children from poor families while states and counties are expected to pick up most of the tab for foster children from wealthier homes.

“That’s exactly right.” Sanders said. “The eligibility for foster care reimbursements is poverty driven.” State and county officials say not enough has been done to help troubled families and the system has deteriorated into an “adversarial and coercive” one that places too much emphasis on investigating families for alleged mistreatment and removing their children.

About 80 percent of foster children in the state and county are removed for “neglect,” which experts say is often a euphemism for poverty-related conditions, such as dirty or cramped homes, a lack of money to provide enough food, clothing and medical care to children or a single mother who works more than one job, can’t afford child care and leaves her children unattended.

The Reason Public Policy Institute, a Los Angeles think tank, released a report in 1999 that found the current child protective system undermines parental authority, wrongfully accuses hundreds of thousands of innocent families and leaves many children at risk of mistreatment. The study’s author, Susan Orr, a former U.S. Department of Health and Human Services child-abuse researcher, said too many unfounded allegations drain the system’s resources.

She noted that nearly 50 percent of child-abuse deaths occur in families that have had some contact with children’s services agencies. That statistic, she says, shows the system is failing in its basic mission of protecting children from truly abusive parents.

‘Legal kidnapping’ A review of more than $25 million in foster care lawsuit settlements and judgments in Los Angeles County since the early 1990s found about half involved the unnecessary removal of children and their subsequent mistreatment or wrongful deaths, according to the county’s own admissions of wrongful seizures in county Claims Board documents or assertions by the families’ attorneys.

In a Daily News review of 139 claims against the county—an action that usually precedes the filing of a lawsuit against the county—26 of the claims involved allegations of wrongful seizures of children. In two cases, parents alleged their children were seized by the county for financial gain because local governments receive revenue for every child taken into the system.

Parents also have alleged in dozens of recent appeals to state appellate courts that their children were needlessly taken from them.

“It’s legal kidnapping to make a profit,” said Lancaster resident John Elliott, a 54-year-old former Warner Bros. special-effects technician, who filed a claim alleging social workers made false allegations against him and placed his daughter in foster care.

After he spent $150,000 fighting to get his daughter back, the county ultimately admitted it was mistaken in taking his daughter and returned her to him. “They tell lies to keep your kids in the system,” Elliott said. “My daughter was abused the whole time she was there. It’s a multibillion-dollar business. It’s all about profit.”

Santa Ana attorney Jack H. Anthony, who won a $1.5 million verdict in 2001 in a case involving the death of a foster child burned in scalding bathtub water, said parents often call asking him to file lawsuits over the unnecessary placement of their children in foster care. But social workers are generally immune from liability for the wrongful placement of a child in foster care, Anthony said. “It’s very difficult to hold anybody responsible for making a negligent decision to take the children,” Anthony said. “In most of the cases I see, the children would have been better off had they not been taken from their parents.”

No clear standards

For years, DCFS had no clear standards defining what child abuse or neglect was. The decision whether to remove a child was often left up to overworked social workers’ hunches about how safe children were in their parents’ homes, Sanders said.
Bruce Rubenstein, DCFS deputy director from 1991-97, said the department intimidated social workers into removing children for little or no reason after a couple of high-profile cases where children returned from foster care to their parents were murdered.

“The word was, ‘Remove everybody. Remove all the kids.’ It’s pretty fundamental that the county was breaking up families that didn’t need to be broken up,” Rubenstein said. “Only new leadership giving clear messages can free that department from this sickness.”

DCFS recently began training social workers in a research-based tool called “structured decision-making,” which Sanders hopes will help them make better decisions about when to remove a child. The method has been successful in reducing unnecessary foster care placements in other states and counties.

The stakeholders report found the vague definition of neglect, unbridled discretion and a lack of training form a dangerous combination in the hands of social workers charged with deciding the fate of families.

Despite a quadrupling in reporting of child mistreatment cases since 1976 due to greater awareness of the child abuse problem in the nation, the number of actual cases of abuse and neglect annually has remained flat.

Unfortunately, experts say in explaining the large number of false accusations, the DCFS Child Abuse Hotline has become a weapon of choice for malicious neighbors and angry spouses and lovers in child custody disputes. “A lot of people use child protective services for revenge,” Cavuoti said. “About half of the cases we get are completely bogus. They are just people calling to get back at a neighbor.”

While about 7,500 children enter the county’s foster care system each year, only a small percentage are reunified with their families. A recent study found that nationwide 76 percent of children are returned home from foster care within a year. But in Los Angeles County, only 19 percent are returned home within a year of entering foster care.

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MORE KIDS IN THE SYSTEM

Since the 1980s, the number of children in the child-protective system has sharply increased, government figures show:

Nationwide, the number of children in foster care doubled from 273,500 in 1986 to 540,000 in 2003.

In California, the number of children increased more than 400%, from 32,288 in 1983 to 175,000 in 2003.

In Los Angeles County, the number increased from 42,894 in 1986 to approximately 75,000 in 2003.

http://www.dailynews.com/cda/article/print/0,1674,200652762093492571814532,00.html

Following years of scandals and heartbreak in the nation’s largest child-protective system, Los Angeles County officials and child advocates hope a new director and innovative ideas will dramatically improve the lives of local foster children.

“We spend $1.4 billion annually on foster care in Los Angeles County,” said Andrew Bridge, managing director of child welfare reform programs at the private Broad Foundation in Los Angeles.

“We are not getting what we should for that $1.4 billion. And for the first time, Los Angeles County is beginning a constructive conversation to change that.”

The proposed reforms by the county and state are set to begin next year. Congress plans to take up legislation in the summer that could radically change the way the child welfare system is funded.

President George W. Bush has proposed a $5 billion-a-year flexible block grant that could be used to help keep families together — rather than placing their children in foster care. Most of the funds are now used to pay for the care of children in foster care.

“It’s not going to cure everything,” said Wade F. Horn, assistant secretary of the U.S. Administration for Children and Families. “States could still choose to spend the money on things that don’t matter.

“But for a state with innovative leadership that wants to invest in services that have proven effective in preventing child abuse and neglect, this would give them the flexibility to do that and reduce the need for costly (foster care) intervention later on.”

Critics are skeptical about whether officials will follow through with their plans, citing innumerable failed attempts to reform the system in the past.

http://www.dailynews.com/cda/article/print/0,1674,200652762093492571814532,00.html
Critics also expect heavy opposition from what they call the private “child-abuse industry,” which has grown wealthy and powerful over the years off the $20 billion-a-year child welfare system, a two-year investigation by the Daily News found.

A recent state Department of Social Services report found the indirect costs of child mistreatment and foster care, such as juvenile delinquency, adult criminality and lost productivity to society, total $95 billion annually.

At the heart of the system’s failures, state officials admit in documents, are “perverse financial incentives” in federal and state laws that encourage local governments to earn money by placing and keeping too many children unnecessarily in foster care.

“Financial incentives, inherent in the state and federal government structure, are encouraging the retention of children in foster care until they reach adulthood,” researcher Julia K. Sells wrote in a report on child welfare privatization for the San Francisco-based Pacific Research Institute think tank. “States are actually profiting from keeping children in the system because they continue to receive federal funds.”

David Sanders, director of the county Department of Children and Family Services, said experts estimate that as many as half of the county’s foster children could have been left in their parents’ care if the appropriate services had been provided to the families.

This year, the county settled a class-action lawsuit with the American Civil Liberties Union of Southern California that called for improvements in the mental-health treatment foster children receive. It also led to the closure of the long-distressed MacLaren’s Children Center in El Monte — the site of numerous horror stories of abuse, neglect and even death over the years.

“There is no doubt, there are almost no instances where someone said the system has worked well.

“But this settlement is a start. It’s a very admirable change and innovative. The foster care system has proven to be totally inadequate and disgraceful so far.”

The investigation also found widespread misuse of taxpayer funds and some of the highest salaries in the nation among the nonprofit foster family agencies and group homes responsible for most of the 30,000 children in foster homes.

The $1.4 billion DCFS budget, which has swelled from $103 million in 1985 when the department was created, pays to support a total of 75,000 children in the system and adoptive homes.

In the private foster care agencies that oversee most of the children, some executives receive up to $310,000 a year in salaries and benefits and spend millions of taxpayer dollars for posh offices, expensive furniture and luxury cars, according to tax returns and county audits.

County officials and child advocates acknowledge that reforms are needed to overhaul the way the county contracts with group homes and the foster family agencies that recruit foster parents and oversee children’s care.

Another key reform, according to child advocates and county officials, began in November when the Board of Supervisors voted to negotiate with the federal government for a waiver that would allow DCFS to use $250 million of its $1.4 billion budget on services to help keep children with their families, instead of placing them in foster care.

Using a similar federal waiver and a program known as “performance-based contracting,” Illinois was able in the late 1990s to reduce its foster care population by half and prevent many needless foster care placements.

DCFS recently renegotiated contracts with foster-family agencies and is in the process of negotiating a new contract with its group homes. The new contracts are expected to hold the agencies accountable for providing safe homes and good education for foster children.

Under the current “buck-a-head” payment structure, the private agencies lose revenue when children are reunified with their families or put up for adoption, child advocates say.

“They are a lot of twisted incentives,” said Benjamin Wolf, associate legal director at the American Civil Liberties Union in Chicago, which sued Illinois in the late 1990s and forced the state to use performance-based contracting. The innovative form of contracting improved children’s lives and forced about half of the agencies to close because they couldn’t meet the new standards.

Los Angeles County Chief Administrative Officer David Janssen said the county should have only 12,000 to 15,000 children in foster homes.

“We have way too many kids in our system,” said Janssen, who was one of the first county officials to support reforms now under way.

DCFS officials expect a tough lobbying campaign to get the federal waiver and don’t expect a decision until March.

“We really think this offers an opportunity to start to fix
the system,” said Sanders, who took over as head of DCFS last March after the Board of Supervisors called for the resignation of the previous director. “It’s not the silver bullet, but at least it’s an opportunity to start the kind of major reforms we need to have in place.”

Like many of the reforms the state and county have agreed to, critics are skeptical about whether the proposed reforms will help much, noting that the child welfare system has long abused its power to break up families for its own financial gain.

“It’s a money-changing game,” said Beverly Hills attorney Debra Opri, who won a $75,000 settlement earlier this year from the county on behalf of a Pasadena man whose distraught wife pushed their two children off a courthouse roof, killing them, and then jumped to her death. She had just learned her children would be returned to foster care. DCFS had made a series of errors in the case that the father claimed led to his children’s deaths. “Instead of selling sprockets and gadgets, the children are getting sold,” the lawyer said.

Manhattan Beach attorney Sanford Jossen, who filed a class-action lawsuit in 2000 alleging staff at MacLaren Children’s Center manhandled children and broke their bones, wrote in a court objection to the ACLU settlement that it seduces the public into believing reforms are on the way, but in reality does little more than create a six-member advisory panel to make recommendations with no timeline for implementation.

“In this respect, history continues to repeat itself,” Jossen wrote. “Studies are done. Recommendations are made. Implementation does not occur. More delays result. The proposed settlement agreement creates the illusion of promise, but on closer inspections provides for nothing.” State Department of Social Services spokeswoman Blanca Castro said the state is redesigning the foster care system and focusing on what can be done to keep families together.

The result is several recent reports by the Child Welfare Services Stakeholders Group, a group of 60 child welfare experts, that call for an “ambitious and far-reaching overhaul” of the state’s foster care system.

The reforms, starting in January, call for Los Angeles and 10 other counties to use a series of innovative programs that have been successful elsewhere in the nation. “We don’t expect to turn this around overnight,” Castro said. “It’s taken us 20 years to get to this point. It’s going to take five to 10 years to turn this boat around.”

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http://www.dailynews.com/Stories/0,1433,20020954183634800.html#
One official billed the taxpayers more than $12,000 for membership dues and a banquet party at the Beverly Hills Country Club.

“I think it suggests Los Angeles County is a national scandal,” said Richard Wexler, an author, former university professor and executive director of the National Coalition For Child Protection Reform in Alexandria, Va. “There are lots of troubled foster care systems in the United States. But Los Angeles County is always on people’s lists.”

Department of Children and Family Services Director David Sanders, who earns $175,000 a year and is among the nation’s highest-paid public child welfare agency directors, said taxpayer dollars should be spent ensuring the safety of children.

“When we have that kind of credibility issue, it’s little wonder people can raise questions about our ability to get the work done,” said Sanders, who took over the department in March. Since 1985, the four previous DCFS directors have resigned under pressure from top county officials.

As private foster care agencies made millions of dollars off the children under their care, critics say the Board of Supervisors looked the other way. From 1995 to 2002, foster family agencies, group homes and others spent more than $262,000 lobbying and making campaign contributions to the supervisors, including more than $67,000 in campaign contributions.

“I think it’s clear that foster care has become an industry in some parts of Los Angeles County,” said child advocate Nancy Daly Riordan, founder of United Friends of Children and wife of former Los Angeles Mayor Richard Riordan. “There is definitely a financial incentive to keep kids in foster homes way beyond what is necessary.”

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MISUSED FUNDS

The group homes and foster family agencies that care for most of Los Angeles County’s foster children have misused more than $9 million in taxpayer funds since 1998, paying off debts at Las Vegas casinos, buying lingerie and even paying for the cremation of an executive’s father-in-law, county audits reveal.

Based on the audits, the Department of Children and Family Services reviewed $6 million of the unallowable and questionable costs from March 1998 to May 2001 and required the agencies to pay back $1.5 million. So far, the department has received about $600,000.

Here are examples of the disallowed spending:

Group home directors paid $4,500 in debts at two Las Vegas casinos and spent $54,472 on lease payments for a luxury home.

Foster family agency directors bought $1,814 worth of lingerie and racked up $6,113 on 116 restaurant meals, even sticking taxpayers with the tab for their alcoholic beverages.

An agency director spent $774 to cremate his father-in-law.

Officials spent $12,247 for a membership at the Beverly Hills Country Club and a $6,013 banquet party for 150 employees.

Agency officials spent $57,379 on legal fees and to settle sexual harassment lawsuits by three former employees.

Directors purchased or leased two Jaguars, a Range Rover, Mercedes, Lexus, Ford Expedition, GMC Suburban SUV and a Cadillac Escalade SUV, which cost $1,083 a month to lease.

An official made $4,715 in credit card charges for various unidentified items during trips to the Czech Republic, Great Britain and Panama, and $989 in purchases made in Las Vegas at the MGM Grand Hotel, Luxor and Rio hotels.

Auditors found agency executives purchased $3,800 worth of pantyhose, razors, suits, shoes, pet supplies and jewelry and beauty supplies in Las Vegas.

Officials billed the county $2,950 a month for a child who had left the facility four years before, collecting a total of $35,400.

Payments for a president’s 1998 Land Rover and credit card charges for trips to London and New Orleans.

The audits showed the agencies seemingly missed no opportunity to bill the taxpayers for personal items, no matter how trifling. One audit noted $152 was spent on cigarettes, liquor, pet food and a church donation.

http://www.dailynews.com/Stories/0,1413,200%257E20954%257E1815199,00.html?search=filter#
WASHINGTON, Dec. 4 (UPI) — This is the second part of a three-part series examining the abuse of children in the United States and is being repeated as a tie-in with the story of child abuse in Newark, N.J.

United Press International found that despite the periodic eruption into public consciousness of high-profile cases of children being abused, the issue has failed to resonate with the general public or government officials in any consistent way.

Child protection caseworkers are often the front line of defense for at-risk children, but those working in the system say they face work that is tough and public scrutiny that is tougher. They say the answer lies in more funding for staff and education, something many jurisdictions, such as Los Angeles County, are either unwilling or unable to provide.

Many child protection caseworkers are in violation of the law even before they walk into their offices in the morning, says Anita Bock, former head of the Los Angeles County Department of Children and Family Services.

"Social workers violate policy and procedures everyday," she says. "It’s the quiet shame. It’s the dirty little secret." Rarely are they able to complete the paperwork or make the visits mandated under state law, she says, but it’s a funding and staffing issue, not negligence.

Bock should know. She has headed two major children’s services agencies, in Miami and in Los Angeles. The work is tough. The scrutiny, she says, is tougher.

Child-protection workers have come under fire over the past six months as high-profile cases in Miami revealed some had falsified court reports, and in one case the agency lost track of a child’s whereabouts.

Child Abuse: A quiet shame

By Kathy A. Gambrell
UPI White House Reporter

Laws, many of which vary from state to state, mandate that at-risk children be seen by a worker within a specified period, sometimes as soon as within 24 hours of a complaint. Follow-up visits are also often mandated either by state law or by the policies of individual agencies.

No matter who is making the rules, the cases pile up.

"This job is risk-driven and liability driven. If you don’t send a child home, then the parents call the media who ask why," Bock says. "If you send a child home and they die, then you’re asked why.

“When something goes wrong, they always fire a social worker or a supervisor."

This time it was Bock who lost her job. It was in July when the Los Angeles County Board of Supervisors ordered her dismissal, saying she had not implemented reforms to the system quickly enough. She had been in the job about two years.

Bock spent three years in Miami leading the child-protection agency there before coming to California.

Bock, who left the Florida Department of Children and Family Services after Gov. Jeb Bush was elected, maintains that the backlog of 8,000 cases in Miami when she left has grown to some 50,000 cases under the new administration.

Florida released its report on its backlogged cases last summer. As of July 2002, it had 54,330 open cases, with 33,779 of them open longer than 60 days.

Owen Roach, spokesman for the Florida Department of Children and Family Services, says some of the districts formed special backlog units to address the issue.

"The representatives of the department, at the direction of the Secretary Jerry Regier, is taking a good, hard look at the backlog issue and (is) studying several proposals and initiatives that will fully address the scope of the backlog issue with the ultimate goal of eliminating as much of the
backlog cases as possible, in as short a time as possible,” Roach says.

The agency captured America’s attention as it came under fire last spring for having lost track of 5-year-old Rilya Wilson — a child supposedly under its care — more than a year ago.

Child-protection workers — or caseworkers as they are often called — are the frontline defense for children being abused in their homes. An increasing number are leaving the job for positions that are less stressful and where there isn’t so much at stake.

In 2000, 9.3 percent of positions for state child-protective service workers nationwide were vacant. The rate among private agencies was about 11 percent. The turnover rate among caseworkers around the nation ranges from 20 percent among state agencies to 40 percent in private agencies.

Shay Bilchik, executive director of the Child Welfare League of America, says though the nature of the job contributes to the high vacancy rates, it is possible to keep caseworkers on the job.

“There is so much value in what they do. I mean, why (do) people leave their jobs? They leave their jobs because working conditions are miserable, they don’t feel they get the right kind of supervision and support,” Bilchik says. “Salary usually goes down four or five notches (when they change jobs).”

For example in Los Angeles County where they have 2,200 caseworkers, the turnover rate is anywhere from 12 percent to 15 percent, but can skyrocket to as high as 30 percent in some areas, Bock said.

Bock says the problem is not just poor management. She attributes the high national turnover rate to a shortage of caseworkers, a chaotic and volatile work environment and the fact they are typically judged by their failures rather than their successes. A trend has emerged that finds 50 percent of caseworkers abandoning their jobs in less than five years when once they stayed with an agency an average of 10 to 15 years.

“It’s a trend that has to be watched,” Bock says.

She says the nature of the cases had changed, too. “Increasingly, cases are more complicated. Families are heavily impacted by substance abuse, mental health issues and teen pregnancy,” she said. “Poverty is a big factor in cities like Los Angeles.”

Bock says caseworkers are increasingly being asked to deal with increased court demands, spend more time learning automated systems that are in need of redesign and to master an increasing number of regulations that are almost impossible to follow completely.

A bill introduced in the California state legislature, called the 20-30 bill, would have incrementally reduced caseloads over the next five years, Bock says. But when the U.S. economy tanked, the measure fell by the wayside.

“It never materialized,” she says.

The burden of answering the question of why the system does not work should fall not on the caseworkers, but on administrators and politicians responsible for policy and funding, she says.

Consider Janet.

Janet is one of more than 2,000 child-protection workers in her county’s Department of Children and Family Services. Janet is not her real name. Like many caseworkers across the country, she is afraid that if her identity is revealed, she may lose her job.

United Press International asked her to describe her job — and that of many others doing what she does everyday — and what toll it takes on her emotionally and physically. “It’s almost impossible,” she says.

Workers like Janet generally hold either a psychology or social science degree and receive on-the-job training in assessment and investigation of abuse and neglect cases. Training and experience can vary depending on the geographical location and size of the state or county.

In the case of Janet’s agency, she is required to have a bachelor’s or master’s degree in social work and to have received 12 weeks of training in the department’s policies and procedures.

Janet’s day begins often about 9 a.m. and runs nonstop until well after 8 p.m. — sometimes she doesn’t get home until midnight. Her task is to assess complaints of abuse and neglect levied against parents and caretakers. When she enters a home under investigation, she is looking for what the county calls the “minimum standard of living.” As long as the home does not have unsanitary conditions and the parents are meeting the child’s basic needs, she leaves them where they are.

She says the downside of the job is that her agency is woefully understaffed. The No. 1 reason child protection
workers leave the job, Janet said, is stress. There is never enough time to do the paperwork that comes with each new case.

“They blame everything on the social workers,” she says. Then with a sigh, Janet says, “Sometimes I don’t know what to do first.”

Janet is an example of a government employee who feels caught between politicians unwilling to commit sufficient resources to the service and a general public quick to blame them should a child fall though the cracks and end up injured or worse — dead.

Admittedly, Janet says she often does not have the time to place follow-up calls to doctors or schools. She says her priority is to make sure the children in her charge are alive and well.

What child protection workers do and how they make their decisions regarding the fate of a child is often not clear to the general public. State agencies are reluctant to speak publicly about how decisions are made on whether or not to remove a child from a home.

Janet said that choice to detain a child rests solely with her, but she then notifies her supervisor about what should be done next.

That scenario plays out differently in different states. Some agencies require caseworkers to contact an on-staff attorney to help decide whether a child can be removed from his or her parent’s care and placed outside the home. Little help exists for caseworkers like Janet. The federal government has adopted a “hands-off” approach to overseeing child protection within the United States.

Officials from the Administration for Children and Families, the federal agency that oversees child protection in the United States, say: they don’t want to micro-manage the system with additional mandates and regulation; and they don’t believe a system such as an integrated computer database, aimed at better tracking a child’s progress through the child welfare system and the courts, would be useful.

Not surprisingly, child advocates strongly disagree. Bilchik, of the Child Welfare League of America, says not enough has been invested in the system to ensure it has good, trained investigators, well-supervised caseworkers and low caseloads.

Child advocates and groups representing caseworkers such as the Service Employees International Union say state agencies that govern child-protective services are buckling under the weight of an overwhelming number of abuse and neglect cases and children. Those agencies are caught in a web of overburdened, under-supervised caseworkers, under-funded local agencies and poor management that remain, for the most part, below the radar of the U.S. Department of Health and Human Services, the nation’s top health agency charged with protecting America’s most vulnerable population.

In Los Angeles County, 146,495 emergency calls were placed to the city’s hotline reporting child abuse and neglect last year. Some 52,650 children received services from DCFS, the agency says.

“The situation here is dire by any method of comparison and rapidly becoming biblical in both scale and scope,” SEIU spokesman Tom O’Connor says. “… We are just an earthquake away (from a total system collapse).”
The question that needs to be asked – and answered, is what are the incentive issues and focus that drives the foster care system and best serves our Nation's children.

The Federal Government gives incentives for the states to get children out of foster care by adoption to others ($6000 each) without any penalty or setoff for the number of new children entering the system.

“What incentive does the Federal Government give the states to reunify the families?” Or for that matter prevent them from coming into the foster care system in the first place?

If the Federal Government gave incentives to the states for every child that went home more children would go home instead of to adoption wouldn’t they??

The states consistently say “we don’t get money for services from the Federal Government unless the children are in custody” so little effort to prevent removal is made unless it’s free, or inexpensive. Also I’ve noticed an incredible number of parents are “cured” as soon as the Federal Money runs out.

If the states had X number of dollars per child or “unlimited cash” for 12 months but then the states had to foot the bill (or a large part of the bill) for the time after 12 months until adoption is completed, the states would be less eager to let children “hang out”/“languish” in long term foster care. ???

The Federal Government does not pay money for children (families) receiving services until a court establishes “jeopardy”. What incentive do the states have to offer (pay for) services prior to jeopardy?

And because adoption and reunification can occur at the same time the states tend to use the “before jeopardy” time to locate an adoptive placement (they get paid for this). In cases where a child is placed in a pre-adoptive foster care home, it creates an environment where foster homes have a very specific interest in doing everything they can to make sure the child stays with them as opposed to reunifying with their biological families. Or it allows the foster home to “try out” the family situation to see if the child “fits in” as though a child is some kind of pet to be adopted or rejected.

If the States put as much effort into families the first 120 days as they do adoption assistance, there would likely be many families that would be “cured” within 120 days and jeopardy findings would not be necessary.

If the Federal Government gave “incentives” for family placements equal or similar to adoptive placements perhaps the states would be more inclined to place with relatives. States will argue they do just that but the numbers just don’t bear it out.

In short the FEDERAL GOVERNMENT IS RESPONSIBLE, the “incentives” are all directed toward “jeopardy” and adoption.

What we need are “incentives” for reunification efforts. If the Federal Government paid, as example, 100% (or even 110%) of family service costs prior to a jeopardy finding, and only 80% after the finding the states would be a little slower about bringing petitions to the court before working with the families to resolve the state’s concerns.

It is paramount that the Office of Inspector General conducts its own independent investigation, as child protection issues are too complex and politically sensitive to be done locally. Even our Washington delegation has been ineffective over the years in realistically addressing numerous child protective and foster care agency complaints received from their constituents, leaving the public vulnerable to civil rights abuses by the State.

Congress had mandated a new pilot review program to be developed as a result of the Administration for Children and Families flagrant failure to prevent the states from ignoring their responsibilities. Their lack of properly policing child protective and foster care agencies has resulted in an unnecessary increase in the number of children in foster care while placing only a small number in relative care. This is also contrary to Congressional mandates to decrease the number of children in foster care by 10%/annum.

An independent investigation of the states child protective and foster care agencies should uncover the bureaucratic failures and violations of law that has led up to the large volume of complaints by families. For example, caseworkers break laws, rules and regulations because their supervisors wrongfully guide their actions. Program Administrators take orders from the Director of child protection services, who in turn answers to a Commissioner appointed by our Governor. Often Judges grant almost anything social services and child protective workers may request of the court. Especially at the initial hearing. This unfortunately all takes place under the color of law.

This bureaucracy is forever in a high state of flux. Caseworkers, Assistant Attorney Generals, District Attorneys, Commissioners, Governors and all employees in between are forever flowing through the system faster than they can adequately move up an effective learning curve. This learning curve, which has proven to be longer than the average turnover time of most positions, results in incompetence that leads to violations of well-founded law. The organizational culture takes on a course of its own, contrary to the intent of our Federal and State lawmakers. The majority of human and financial resources are eaten up with actives that have nothing to do with reasonable efforts or building and strengthening families, but more to do with the daily task of managing chaos and cover-ups within a highly dysfunctional organization.

Laws and words are fine but Federal cash speaks louder than any law. The laws say reunify families but the Federal cash says kill the parents, quickly. I would like to leave the parents in this audience with a thought. If your children were suddenly orphaned and your relatives unable or unsuitable for placement – would you want your babies in this system?
Tuesday, February 10, 2004 - Los Angeles County supervisors on Tuesday demanded the firing or disciplining of social workers and their bosses after the death of a 2-year-old Canoga Park boy, in what is expected to be the first in a wave of firings in the nation's largest child-protective system.

The supervisors called for the action after learning that social workers visited young Ivan Merlos' home on Roscoe Boulevard six times, including once when he had a broken leg, but did not take him away from his mother. He died Oct. 1.

"People around this child called to say he was in harm's way," Supervisor Gloria Molina said. "But every time the social workers looked, they said there was nothing to it until the day they went and found the boy in a hospital bed, totally deformed from the brutal beating.

"Those social workers and supervisors need to be brought in, and just like a cop, asked to turn in their badges. I'm angry because I'm supposed to be able to trust the system. This tells me that these people don't know what they are doing."

The supervisors' demand for action came as the Board of Supervisors debated a set of reforms aimed at improving long-standing problems in the county Department of Children and Family Services.

The supervisors reached agreement on the major points of the reform plan but postponed the vote for a week to get more information on a proposal by philanthropist Eli Broad to build a residential academy to prepare foster children for college.

Claudia Merlos, 19, was arrested Sept. 30 on suspicion of attempted murder for allegedly punching her son in the stomach, police said. She didn't call paramedics to treat his critical injuries because she feared that authorities would take him away from her, police said. After her roommate called authorities, the boy was rushed to West Hills Hospital in full cardiac arrest. After her son's death the next day, Merlos — a dwarf who stands 3 feet tall — was charged with murder, assault on a child causing death and torture. She has pleaded not guilty and is awaiting trial.

The boy's injuries included massive internal bleeding. Detectives later determined that the child had both old and new unexplained external injuries. "The case has many complex legal and medical issues," said Deputy Public Defender Jonathan Petrak, who is defending Merlos.

"Claudia and I are still discussing the evidence, but it appears to me that she was a responsible single parent who did her best to care for her young son."

DCFS Director David Sanders, who took over the troubled department last March after the forced resignations of its previous four directors, said internal investigators are in the process of identifying a group of social workers and supervisors who historically have made poor decisions on when to remove children from their families. "The issue is that there is a core of employees who have been in the department for many, many years that have not been doing a good job," Sanders said.
When he started last year, Sanders discovered that performance evaluations had not been conducted on more than half of his employees.

In recent months, Sanders has embarked on a massive shake-up inside the department, transferring hundreds of workers promoted to office jobs by previous directors to the streets as social workers. So far, he has reduced the number of cases social workers carry from 31 to 25 and expects to further reduce their caseloads, giving workers more time to ensure the safety of children.

“There is, unfortunately, more than this one situation where we have had poor performance on the part of our workers,” Sanders said. “The good workers know about these people. They have asked why the people who haven’t done their jobs for years are kept on. Just last week, two or three people were fired for poor performance. It was extreme.”

Supervisor Michael D. Antonovich said Children’s Services Inspector General Michael Watrobski’s investigation into Ivan Merlos’ death found that the boy had been reported to the DCFS on six occasions as a victim of possible abuse and neglect. “The investigation into the death of Ivan included a complete review of the case file and several factors indicating that the quality of supervision by DCFS may have contributed to Ivan’s death,” Antonovich said.

Molina said she was outraged that the social workers and supervisors involved in overseeing the case had not been fired yet and could still be handling cases. “These workers still work for us, probably doing the same dumb stuff they were doing that led to a child’s death,” Molina said.

Sanders said the investigation into the workers has been completed and that disciplinary recommendations have been made to him. He said the department will now go through the disciplinary process, which involves civil service hearings.

The supervisors directed Sanders to report back in two weeks on what discipline was carried out and what corrective-action plans were taken to prevent similar tragedies in the future. In addition to social workers who leave children in dangerous homes, Sanders said he is concerned about the high rate of children abused and neglected in foster homes, which averages 6 percent to 7 percent of the children in the county’s foster care system.

In the past 10 months, 271 perpetrators of abuse and neglect were foster parents, Sanders said.

The supervisors’ comments Tuesday follow recent Daily News reports that found that as many as half of the 75,000 children in the Los Angeles County foster system and adoptive homes were needlessly placed in a system that is often more dangerous than their own homes.

About 28,000 children actually live in foster homes in the county.

Child-welfare experts say some social workers leave children in dangerous homes while taking children from homes that could be made safe with the appropriate services.

The reforms the supervisors debated Tuesday include a proposal to help reverse these financial incentives that encourage the county and its contractors to profit off the plight of foster children.

It includes a request for a federal waiver to use $250 million of the $1.4 billion DCFS budget on services to help prevent the placement of children in foster care.

The package also includes goals to reduce the high rate of children mistreated in foster care to national standards, to reduce the percentage of children entering the system by 15 percent and to return 25 percent to 30 percent of the children in the system home quickly.

Staff Writer Michael Gougis contributed to this report.

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Massachusetts News

Committee Chair Is Troubled By DSS

Dear victims of the government child processing industry, advocates, media and elected officials:

Although Massachusetts State Representative Marie Parente (Worcester since 1980) is speaking only in her capacity as a Massachusetts elected official, what she reveals in the news article below is what I have heard from families across America.

Rep. Parente speaks with authority and outstanding credentials. She is Chair of the Legislative Committee on Foster Care, is an expert on family and foster care issues, chaired a subcommittee on the 1993 Governor’s “Blue Ribbon Commission on Foster Care” and holds a Bachelor’s Degree and a Master of Science Degree in Human Services. She speaks candidly in the article below published in December of 2003.

Laura Koepke, President, Government Watch

In a stunning and candid interview with Massachusetts News, the Chair of the Legislative Committee on Foster Care, State Rep. Marie Parente, leveled serious charges at the Department of Social Services saying, DSS is “perverting the system” by conducting their business without regard to due process for families. In doing so, she unknowingly confirmed the heartbreaking stories coming to this newspaper from anguished parents who have been trying to breach the media silence about their plight. The outspoken Democrat, who has served the 10th Worcester District since 1980, is an expert on family and foster care issues. She graciously opened the testimony in her possession compiled from years of experience on investigating committees and laid out for Massachusetts News some of the ugly truth about a half-billion-dollar bureaucracy run amok in our state, called DSS.

The biggest issue is due process, there really isn’t any for families,” says State Representative Marie Parente. She explained that DSS has failed to abide by its original mandate, which is to seek “first” to preserve and strengthen families. Instead, the agency has been virtually trafficking in children by acting as an unaccountable police force, judge, jury and executioner - where the DSS equivalent of execution is termination of parental rights.

Representative Parente insists DSS must be made to adhere to established legal standards in order to have a fundamentally fair system that will keep abuses and mistakes to a minimum.

The Representative, who chaired a subcommittee on the 1993 Governor’s “Blue Ribbon Commission on Foster Care” and holds a Bachelor’s Degree and a Master of Science Degree in Human Services, told Massachusetts News that DSS:

- Can almost be viewed as autonomous because it acts as its own court system and law enforcement agency.
- Has perverted the system by affording families accused by DSS fewer rights than rapists and murderers.
- Relies on the word of incompetent, sometimes mentally unstable social workers to make the momentous decision to remove children from a home.
- Places foster children with vendors where they are sometimes molested and physically hurt and foster children are not provided a lifeline to contact the outside if they are in danger.
- Has social workers who are not doctors or nurses strip children naked for inspection on a home visit.

Massachusetts News

By Edward G. Oliver
December 1—2003
Practices job security by “fudging” cases to keep the caseload up.

Puts the impetus on getting money and not on doing what’s right for the kids.

Has transformed its original mandate from keeping families together to becoming an investigative “child protection agency.”

Summarily removes caseworkers who try to tell the Committee the truth about what goes on.

Denies families due process when it:

Removes and holds children without evidence of a crime.

Denies the accused the right to know their accusers by using anonymous reporting.

Does not read parents their rights although their words are used against them in court.

Denies or delays giving a family its records to help defend themselves.

Either does not give notice of or delays a 72-hour “fair hearing” for the better part of a year although a child has been taken.

Does not give access to a court appointed lawyer until the day a family or child enters a DSS courtroom.

Routinely terminates parental rights with nothing more than a legal notice in the classifieds.

These points, which Parente shared with Massachusetts News, were gleaned from testimony heard from professionals in the field, families, judges, educators, children and teens, foster families and families experiencing problems, health and medical professionals, advocates for children, service providers and direct care workers, legal professionals and members of the criminal justice systems.

Too Many Reports of Abuse

Commenting on the astronomical number of 51As (the initial report of suspected abuse), Parente says, “DSS boasts that there are over 90,000 Chapter 119, 51A reports per year. And we all know the first 30,000 are thrown out. They’re frivolous and some of them are mischievous. With the second 30,000, there isn’t enough evidence. The last 30,000 are looked into a little deeper, and about 400 to 500 cases end up in court every year.

“When a child is abused there are other statutes that come into play besides 51A. Those other laws are designed to keep the child safe. Those really are the child protection laws and that kind of abuse is a crime against the child. Therefore, if the abuse is serious enough to remove a child, then the case should be turned over to a law enforcement agency, where people who do have a degree and training and experience in criminal actions can process them. Out of the 400 cases that go to court, there are not 400 people a year going to jail because they abused children seriously enough to take the child out of the home. So something is wrong when you look at how many cases are processed and how many people are not punished. If a DA has rejected a case for lack of evidence, a child should be returned.”

Asked why children are often taken from good parents, she replied:

“It’s because of the incompetent social worker. The social workers don’t know how to quantify what they see when they’re inexperienced, brand-new, just out of college and are assigned twenty cases. If I went into a home and I were a brand new social worker, I’d look around and say, ‘Hmmm is this abuse or not? I’m not really sure. I’ll take the kid. That way I’ll be safe.’ So I yank the kid, and then after that everybody believes me anyway. So the kid stays out of the home. The safest thing for a social worker to do who doesn’t know what he or she is doing because of a lack of experience is to yank the kid. You’re safe. That’s the one good decision you can make without knowing anything, because you can take the kid out and say, ‘Well, maybe the kid will get back in the home.’ But by then, some of the vendors making money in the case don’t want the kid to go back home. “I remember asking one commissioner, ‘Do you ever administer psychological testing to your social workers?’ ‘No, why would I do that?’ ‘Has it ever occurred to you that they may be as sick as the people they are interviewing? You don’t think that people bring their problems to the job?’ I knew one woman, and so I called the DSS office where she worked and asked, ‘Does this woman talk about child molesting all the time?’ They said ‘yes.’ ‘And does she bring in leaflets and books?’ She was doing it to an excess. She’d been molested as a child, and in every case she handled she saw child molestation whether it was there or not. So first of all, the social workers in DSS should undergo a battery of tests. And we should look at their qualifications. Some have a degree in something else and say they are working toward social work. If you had a degree in architecture and were out of work, you could get a job with DSS and become a social worker.”

How Lawyers Can Protect Parents

Parente lists some issues lawyers should look at to help their clients, such as “anonymous reporting, the fact that they don’t get the 72-hour notice, the fact that it’s not always an experienced social worker that is making the
decision, and the fact that the fair hearing is not always fair, even when it’s conducted. I think DSS has to come to grips with the constitutional rights that people have. You’re supposed to be innocent until proven guilty; but in DSS, you’re guilty until proven innocent.

“I’ve always thought that anonymous reporting, which DSS accepts, is contra the oldest constitution in the world. That’s the Massachusetts Constitution which predates the federal constitution. They tell the parents that they can’t tell them who the accuser is, but they shouldn’t be allowed to get away with that. Everybody has the right to know who his accuser is. What if it’s your ex-lover? What if it’s your brother’s wife who doesn’t like you and reports you? You have a right to know who it is because only then will you be able to point out that it’s frivolous or that it’s just harassment.

“When DSS plays court and plays detective and policeman, they never ever read rights. They contaminate the case. I’ve asked DSS a thousand times, ‘When your social workers knock on the door because they’ve received a complaint, do they say, “I’m here from DSS and what you say can be used against you?”’ Are the Miranda rights read? No, they’re not, but yet down the road everything they write ends up in court against the parents. “So, the whole thing is, maybe the child should be removed, maybe DSS is right in doing it. But damn it all, there’s a system, and they can’t pervert that system.”

Asked if anything is happening to correct such blatant constitutional abuses, Parente replied, “No, they have powerful friends and I keep trying. I’ve been able with the help of a very wonderful committee of Reps and a wonderful researcher, Marian McCarthy, to make changes—over ten of them over the past ten years. We’ve made some major changes. But, this year with those things having been done, my big impetus, my big focus is going to be due process, all those things that I mentioned to you.”

New Adoption Law Will Hurt

Acknowledging that federal dollars play a big role in determining the fate of children, Parente points out that a federal adoption law passed in 1997 offering monetary incentives for speeding up adoptions has the states scrambling to comply. Massachusetts passed their hurry-up law this March, and she fears it will only exacerbate the problem for people with children caught in the system.

“The federal government decided that they would reimburse states handsomely for processing adoptions within twelve months. If a child is removed from a home, it can take four or five months before a hearing is held. The law says it must be held in 72 hours, but it almost never happens in 72 hours. We’ve had complaints from the Cape Cod area... you’ll find four, five, six, seven months before they get a hearing. Meanwhile, the clock is ticking towards adoption. So with not much time left, the family has to try to scramble to save their child from adoption. If the social worker has erred in removing the child, the family is in serious trouble.”

In order for DSS to rush a child through to the adoption stage, DSS must be able to terminate parental rights. To illustrate her point, Parente had an aide bring the day’s newspapers into her office during our interview and opened a Boston Herald to the classified section. She found a tiny legal notice on page 74 titled, “Care And Protection Termination Of Parental Rights, Summons By Publication” and had this reporter read the words back to her. After the reporter read right past the key words buried in the legal terminology, she had to point them out: “The court may dispense the rights of the person named herein...” Parente says of the legal notice, “That may be the only notice and if that person isn’t around and lives in Connecticut or lives in Florida and doesn’t see that notice, he or she has lost their parental rights. You read it. They don’t need to give you any other notice to terminate your parental rights. It’s the most dangerous thing that I’ve ever seen. And you can find that in any newspaper any day. There are five, six, ten, or even twenty of them on some days. Parental rights are terminated this casually.” She continues, “I blew this up once and sent it to all the members of the House. Look what they are doing! A court now doesn’t have to give you notice beyond this. That’s a blood relationship and the person may be absent for a lot of reasons. Maybe the person is in rehab; not every drug addict hates his kids, or her kids. Some of them are better than other parents. They abuse drugs and their own bodies but they love their kids. Who’s to say just because you put the kid in a foster home that the kid is safer?

We’ve had a lot of abuses by foster parents. So, this is one of the most dangerous things they’ve changed. I’ve tried to fight it. And concomitant with that is another law that says that when a judge conducts a hearing, he doesn’t have to put his reasons in writing for terminating parental rights. He does not have to have proof that services were offered. What are we doing here? Are we stealing kids? I thought this was terrible. I don’t care how bad a mom or dad is. The system has to work, the system was created for people to have their rights.

“That is the big issue for families. Now that the rush is on
for adoption both by parents seeking adoptive children and by DSS because they get rewarded by the federal government, families are under pressure. I remember the last time when federal money speeded up the adoption machine and my colleagues said, ‘We’re gonna make a lot of money on this one.’ And so the impetus became getting money and not what’s doing right for the kids. How can you get a kid adopted in one year with that threat hanging over a family that can’t get a 72-hour hearing, sometimes for seven months?

“They have perverted this system, and DSS has made itself a court. They are a court system, and nobody’s saying a word about this. Their fair hearings, their judgments, their accusations are all true, no matter who disagrees. They believe an incompetent social worker that they just hired. You go into court, the court always says to the DSS worker, ‘And what do you say about this?’ So DSS holds all the cards. You stand accused by DSS who has 75 lawyers and you don’t have the resources to have good legal representation. You get a court-appointed lawyer that perhaps hasn’t been receiving money from the court.

What kind of representation is that? What about the child getting a court-appointed lawyer that never sees the child? What about all those bench warm-ups where the judge calls them all up close and the DSS lawyer is practically directing the judge? Where is the justice for the family that has not abused the child and some inexperienced social worker has classified the case as neglect and abuse? So that’s why I think that something needs to be done. Due process, due process and due process.”


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At the National Coalition for Child Protection Reform, we often are asked what can be done to prevent the trauma of foster care by safely keeping children with their own families. There are many options, and we’ve listed some of them below.

None of the alternatives described below will work in every case or should be tried in every case. Contrary to the way advocates of placement prevention often are stereotyped, we do not believe in “family preservation at all costs” or that “every family can be saved.” But these alternatives can keep many children, now needlessly taken from their parents, safely in their own homes.

1. **Doing nothing.** There are, in fact, cases in which the investigated family is entirely innocent and perfectly capable of taking good care of their children without any “help” from a child welfare agency. In such cases, the best thing the child protective services worker can do is apologize, shut the door, and go away.

2. **Basic, concrete help.** Sometimes it may take something as simple as emergency cash for a security deposit, a rent subsidy, or a place in a day care center (to avoid a “lack of supervision” charge) to keep a family together. Indeed, the federal Department of Housing and Urban Development has a special program, called the Family Unification Program, in which Section 8 vouchers are reserved for families where housing is the issue keeping a family apart or threatening its breakup. Localities must apply for these subsidies. By doing so, they effectively acknowledge what they typically deny: that they do, in fact, tear apart families due to lack of housing.

3. **Intensive Family Preservation Services programs.** The first such program, Homebuilders, in Washington State, was established in the mid-1970s. The largest replication of the program is in Michigan, where it is called Families First. The very term “family preservation” was invented specifically to apply to this type of program, and only this type of program, which has a better track record for safety than foster care. The basics concerning how these programs work - and what must be included for a program to be a real “family preservation” program — are in NCCPR Issue Papers 10 and 11. Issue Paper 10 lists studies proving the programs’ effectiveness.

**CONTACTS:**

Charlotte Booth, executive director, Homebuilders (253) 874-3630, cbooth@bsihomebuilders.org.

Susan Kelly, former director, Families First (734) 483-6671, susan.kelly@cssp.org.

4. **The Alabama “System of Care.”** This is the single most successful child welfare reform in the country. The Alabama reforms actually have reduced the foster care population while making children safer. The reforms are the result of a consent decree growing out of a lawsuit brought by the Bazelon Center for Mental Health Law. The consent decree requires the state to rebuild its entire system from the bottom up, with an emphasis on keeping families together. The number of children taken from their homes has dropped dramatically, re-abuse of children left in their own homes has been cut in half since 1996, and an independent monitor appointed by the court has found that children are safer now than before the changes.

**CONTACTS:**

Ira Burnim, Legal Director, Bazelon Center for Mental Health Law (202) 467-5730, ext. 29. Mr. Burnim also is a member of the NCCPR Board of Directors. The Bazelon Center also has published a book about the Alabama reforms.

Paul Vincent, Child Welfare Policy and Practice Group, Montgomery, Ala. (334) 264-8300. Mr. Vincent ran the child protection system in Alabama when the lawsuit was filed. He worked closely with the plaintiffs to develop and implement the reform plan.

Ivor Groves, independent, court-appointed monitor (850) 422-8900.

5. **Family to Family.** This is a multi-faceted program developed by the Annie E. Casey Foundation (which also helps to fund NCCPR). One small element of the program, Team Decisionmaking (which is similar to an approach called family group conferencing) often is confused with the entire program, which has many more elements. The program is described at the Casey website [http://www.aecf.org/familytofamily](http://www.aecf.org/familytofamily). Also on the website is a comprehensive outside evaluation of the program, showing that it led to fewer placements, shorter placements, and less bouncing of children from foster home to foster home — with no compromise of safety.

**CONTACT:**

Gretchen Test, Annie E. Casey Foundation (410) 547-6600.
6. Community Partnerships for Child Protection. These partnerships, overseen by the Center for the Study of Social Policy in Washington, are similar to the Family to Family projects. They mobilize formal and informal networks of helpers to prevent maltreatment and avoid needless foster care placement. These projects often encourage an approach called “differential response,” sometimes also known as “two-tiered response.” This is an approach that both widens and narrows the net of intervention. Families considered relatively low risk are offered voluntary help. Previously, some of these cases would have been ignored entirely, while others would have subjected families to traumatic, coercive investigations and the threat of having their children taken away. A literature review commissioned by the federal government found that all studies done on differential response revealed the approach led to better safety outcomes.

CONTACT: Marno Batterson (641) 792-5918 marno.batterson@cssp.org.

7. The turnaround in Pittsburgh. In the mid-1990s, the child welfare system in Pittsburgh and surrounding Allegheny County, Pa. was typically mediocre, or worse. Foster care placements were soaring and those in charge insisted every one of those placements was necessary. New leadership changed all that. Since 1997, the foster care population has been cut by 30 percent. When children must be placed, half stay with relatives and siblings are kept together 82 percent of the time. They’ve done it by tripling the budget for primary prevention, more than doubling the budget for family preservation, embracing innovations like Family to Family and adding elements of their own, such as housing counselors in every child welfare office so families aren’t destroyed because of housing problems. And as in Alabama, children are safer. Reabuse of children left in their own homes has declined.

CONTACT:
Karen Blumen, Allegheny County Department of Human Services, Office of Community Relations (412) 350-5707.

8. Reform in El Paso County, Colorado. By recognizing the crucial role of poverty in child maltreatment, El Paso County reversed steady increases in its foster care population. The number of children in foster care is down by about 22 percent — and the rate of reabuse of children left in their own homes is below the state and national averages, according to an independent evaluation by the Center for Law and Social Policy, available on the Center’s website, here.

CONTACTS:
Rutledge Hutson, Center for Law and Social Policy 202-906-8009, rhutson@clasp.org

Barbara Drake, El Paso County Department of Human Services, 719 444-5532.

9. Changing financial incentives. While not a program per se, making this change spurs private child welfare agencies to come up with all sorts of innovations they previously had claimed were impossible.

This is clear from the experience in Illinois. Until recently, Illinois reimbursed private child welfare agencies the way all other states typically do: Though the agencies were told to seek permanence for children, they were paid for each day they kept a child in foster care. Thus, agencies were rewarded for letting children languish in foster care and punished for achieving permanence.

Now those incentives have been reversed, in part because of pressure from the Illinois Branch of the ACLU, which won a lawsuit against the state child welfare system. Today, private agencies in Illinois are paid for permanence. They are rewarded both for adoptions (which, in fact are often conversions of kinship placements to subsidized guardianships) and for returning children safely to their own homes. They are penalized for prolonged stays in foster care. As soon as the incentives changed, the “intractable” became tractable, the “dysfunctional” became functional, and the foster care population plummeted. The University of Illinois is monitoring the changes and has found no compromise of safety.

CONTACT:
Ben Wolf, Illinois Branch, ACLU, (312) 201-9760, ext. 420.

Financial incentives for removing children from homes

The Adoption and Safe Families Act passed by Congress in 1997 gave financial incentives to states for removing children from their homes and putting them up for adoption. The federal government gives the states an average of $13,000 per child in foster care each year out of the Social Security Trust Fund, with up to $50,000 a year to provide “services” to that child. In addition, the government gives a “bonus” of $4,000 - $10,000 to states who can terminate a parent’s rights and successfully adopt the child to another family.

The federal government also pays a per-child bonus to each state that increases its annual number of adoptions from the foster care system. In contrast, the federal government pays the states nothing to leave a child in his or her home, and nothing if that child is placed with relatives during the red-tape laden investigation. The federal government only pays the states an average of $1,100 per year for each child receiving welfare.

That’s it. With the lure of all that federal and Social Security money, some states are making the removal of children from their homes take precedence over protecting children who are actually in danger.
In a ruling that will cost California and its 58 counties more than $80 million, a Sacramento federal judge has ordered the payment of unlawfully withheld foster care benefits for children living with relatives.

The ruling applies to an estimated 18,000 foster children statewide removed by court order from parental homes and living primarily in the homes of grandparents.

“This is a huge victory for the neediest among us,” said Barbara Jones, a Legal Aid Foundation lawyer who pursued the matter on behalf of a Los Angeles woman acting as her grandson’s foster parent. “No segment of society needs our help more than these children, most of whom have been abused, neglected or abandoned by their parents.”

On Tuesday, U.S. District Judge Frank C. Damrell Jr. ordered payments in appropriate foster care cases that were active on or after March 3, 2003 - the date of an appellate ruling ruling - going back to Dec. 23, 1997, when the state submitted a plan rejected by the U.S. Department of Health and Human Services that made relatives eligible for foster care benefits.

According to Damrell’s 25-page order, the California Department of Social Services estimates that $30 million will have to be taken from the state general fund and another $42 million from county treasuries to cover the back payments. The federal government will be obligated to match those amounts.

According to Damrell’s order, the counties also will have to underwrite more than $10 million in administrative costs to determine who is eligible.

The judge gave the state agency 60 days to direct county welfare departments to find the beneficiaries. The file review must be completed within eight months, Damrell ordered.

Enedina Rosales, the Los Angeles grandmother whose Legal Aid attorneys pursued the case after the state dropped it, was denied foster care benefits because the parental home from which her grandson was removed was not eligible for welfare benefits.

The state challenged that federal requirement five years ago in a suit filed against Health and Human Services. Rosales later entered the suit on the side of the state. Her 5-month-old grandson was placed in her care after being removed from his parents’ abusive home. Rosales had to quit her job to care for the baby, who suffered from respiratory ailments requiring frequent emergency treatment. She was denied foster care benefits because of the federal agency’s interpretation of the law, and was forced to apply for regular welfare, which is less than foster care benefits.

According to AARP, there are approximately 1.5 million foster homes like Rosales’ throughout the nation. In support of her, the organization filed friend-of-the-court briefs in the district court in Sacramento and with the 9th U.S. Circuit Court of Appeals.

In the brief, the former American Association of Retired Persons said that even though “grandparents - primarily single, poor, African American grandmothers - have stepped in to rescue these children,” many of them “are not in good health and, even if they are employed, have low-skilled, low-paying jobs.”

Foster care benefits “are essential for grandparents to be able to provide food, shelter and other necessities” such as health care, AARP said. The federal agency’s interpretation “discourages kinship care providers who provide better care for these children.”
Damrell deferred to Health and Human Services’ interpretation and threw the case out in 2000. The state did not appeal, but Rosales did, and the 9th Circuit reversed Damrell and sent the case back to him to decide the scope of relief for foster parents.

Rosales and her attorneys then found themselves pitted against not only the federal agency but also the state, their former ally. Both governments argued strongly against retroactive relief, throwing up a multitude of legal reasons and insisting that it was unjust to burden them with the costs and logistics of going back more than six years.

Larry Bolton, acting chief deputy director of the state Department of Social Services, said Wednesday there had been no decision on whether to appeal the retroactive element of the ruling.

State Deputy Attorney General Frank Furtek had warned Damrell in an October brief that retroactive application of the appellate opinion would add to the state’s budget woes and “the costs would be profound. The state has no current appropriation or authorization to make this additional payment, and the funds would need to be tapped from other state welfare funds.”

“Further,” he said, “the administrative obstacles associated with identifying eligible recipients prior to April 2003 are monumental.”

But Damrell said he had to weigh all these problems against the “public interest in compensating foster care families who have been denied ... benefits to which they were entitled for six years.”

Jones sees trouble ahead. “The (Bush) administration chose not to appeal the 9th Circuit’s opinion to the Supreme Court,” Jones said. “Instead it is trying to use the budget to legislate these benefits out of existence.” The Bush budget for fiscal 2005 proposes to amend the law so the benefits can be denied legally.

The proposal would “leave foster children who live with relatives behind,” Jones said in a reference to Bush’s much-touted goal to “leave no child behind.”

Yolanda Arias, another Legal Aid Foundation lawyer representing Rosales, said the administration “has not given a good reason that justifies continuing a policy that hurts abused and neglected children and the relatives who care for them.”

The Bee’s Denny Walsh can be reached at (916) 321-1189 or dwalsh@sacbee.com.

Fighting the “Hidden American Disgrace” of Court Abused Children

Some of us have turned 18, and are now “free”, although nightmares and painful memories will haunt us for many years, maybe forever. Some of us still have siblings in the clutches of our abusers. We are kids from all over the country who have been beaten, molested, raped, sodomized, mentally battered, isolated, terrorized, and shamed by our controlling, battering parents.

We have been mentally, physically, sexually, verbally, emotionally, and psychologically abused by court order.

We have been misrepresented by court-appointed attorneys; facts were falsified or twisted by court-appointed evaluators; we were forced through mind-games (brain-washed) by court-appointed counselors to be silent about the abuse. Neither our voices, nor the voices of our protective parents, were heard.

Many of us suffered because the court accepted an invalid theory, Parental Alienation Syndrome (nicknamed “PAS”.) This is a completely bogus mental health label put on protective parents by lawyers and psychologists who get paid by abusers to cover up their history of domestic violence and child abuse.

PAS twists everything around to make the protective parent look bad and the abuser look good, so the court will switch custody to the abuser. For a more detailed explanation of this phony syndrome, see Courageous Kids Can’t Be Fooled-PAS Exposed for What It Is.

“The courts that heard our cases were far more anxious to label our mothers as “parent alienators” than to believe that our fathers, who look “normal,” were beating, molesting, or mentally battering us. Judges and court appointees turned on our protective mothers with a vengeance. They refused to allow our mothers to present evidence or witness testimony to prove that our fathers had abused us, and refused to listen to anything we, the victims, had to say about being abused. Most of our parents were completely stripped of custody, leaving us motherless, and with no protection from our abusive parent. All of our protective parents were treated like villains, and all of us kids suffered because of the way the courts treated them.

In the courts’ frenzy to punish our parents for trying to protect us, the courts failed to realize, or didn’t care, that they were punishing us too. Taking children away from safe parents and placing them in the custody of abusive parents has been called “America’s darkest, shameful secret.”

Read the entire article:
http://www.courageouskids.net/intro.htm
Foster-kid cash lure may fade  
Governor wants to alter system

By Troy Anderson  
Staff Writer

Monday, February 16, 2004 - Gov. Arnold Schwarzenegger has called for an overhaul of California’s foster-care system to end financial incentives that critics say encourage county officials and their contractors to make money off children in their care.

Schwarzenegger’s call for reforms comes as the Los Angeles County Board of Supervisors is set to vote today on a similar proposal to radically change the fiscal structure of the county child-protective system, placing an unprecedented focus on providing services to help keep troubled families together.

The governor’s proposal comes after recent Daily News stories reporting that some officials’ estimate that as many as half the 75,000 children in the county’s foster-care and adoptive homes were needlessly placed in a system that is often more dangerous than the homes from which the children were taken.

Some officials and critics say state and federal laws create financial incentives for taking children from their parents because county government receives $30,000 to $150,000 annually in state and federal funds for each child placed in foster care.

“We’re calling for significant reforms in the program because we believe it’s pretty clear that when the state failed 12 out of 14 outcome measures when the feds reviewed the foster-care system, you’ve got issues with the way the program is managed,” said state Department of Finance spokesman H.D. Palmer.

In a joint written statement, the state’s Little Hoover Commission has described the foster-care system as a “public calamity.”

Century City attorney Linda Wallace Pate, who has won a number of lawsuits aimed at reforming the system, said the governor’s plan is a “courageous effort.”

“It’s scandalous that the California foster-care system has been reduced to a ‘kids for cash’ system driven by perverse financial incentives,” Pate said. “It’s contrary to common sense that children are removed from their parents for little or no reason 80 percent of the time and placed in a system where they are more likely to be abused, all to service this sacred-cash-cow foster-care system.”

Last month the 150,000-member American Family Rights Association called on Schwarzenegger to order a statewide investigation and audit of the child-protection and juvenile court systems. The group says the system has needlessly placed thousands of children in foster care to draw down state and federal revenues.

Fred Baker, a former Glendale resident and group-home owner, said he would like to see an audit determine whether any funds are missing from the Department of Children and Family Services budget and whether county employees needlessly placed children in foster care to boost their budget.

Baker won a $459,940 judgment against county government in 2002 after a jury found that county officials closed five of his group homes in Lancaster and South Los Angeles in 1996 without offering him a chance to appeal.

Baker said county officials closed his facilities in retaliation after he went to authorities in 1995 and told them children were placed needlessly in foster care to obtain state and federal funds.

Schwarzenegger’s proposals, which his administration estimates would save $20 million in fiscal year 2004-05 and more in subsequent years, calls for performance-based contracts that would require private agencies, as a condition of payment, to measure up on desired outcomes under federal and state guidelines to improve the care of children.
Since Illinois switched to such contracts in the late 1990s, the number of children in foster care in that state has dropped by 50 percent. Half of the private agencies were unable to meet the goals and were forced to close.

Schwarzenegger also proposes to pursue a waiver from the federal government so that much of the money now used to pay for foster care could be spent on programs to keep children with their birth parents.

The county supervisors’ vote today would authorize child-welfare officials to negotiate with the federal government for the first waiver in the state to allow the county Department of Children and Family Services to use $250 million of its $1.4 billion budget on services to help prevent the placement of children in foster care.

The national nonprofit Pew Commission on Children in Foster Care expects to release a report in late spring on how Congress could reform federal child-welfare financing and strengthen court oversight of child-welfare cases.

“Every problem in child welfare cannot be attributed to federal financing or to the courts, but many have roots there,” Pew Commission Chairman Bill Frenzel said. “Federal dollars flow relatively easily to pay for foster care for poor children, but they are much less available for other services that may avoid the need for foster care or shorten the time a child must stay in care.”

Jim Mayer, executive director of the state’s Little Hoover Commission, which has released three largely unheeded reports in the past decade calling for major reforms in the system, said Schwarzenegger’s plan could save the state substantial amounts of money.

But Mayer stressed that the governor needs to heed the commission’s recommendation to place one person in charge of fixing the system and establish civilian oversight panels in the counties.

“Nobody is in charge here,” Mayer said. “That’s been the consistent theme of our analysis.

“These two pieces — some very clear lines of authority and accountability at the state and local levels, and effective public oversight — will be the key ingredients to sustaining reform.”

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http://www.dailynews.com/cda/article/print/0,1674,200%7E20954%7E1960815,00.html

Introducing…
Protect Yourself From
Child Protective Services

By Chuck Ragland

Having Child Protective Services falsely accuse you of abusing your child can be a frightening experience. When CPS knocks on the door, most parents don’t know how to defend themselves against aggressive caseworkers determined to separate children from their parents.

But now, parents can fight back...and win!

Protect Yourself from Child Protective Services provides helpful steps parents can take to defend themselves against unwarranted intervention into their lives by Child Protective Services. This informative self-help guide takes parents step-by-step through the complex and confusing world of CPS, from how investigations are conducted through the judicial process. And Chuck explains technical terms and jargon commonly used by CPS to confuse people.

Parents also learn simple strategies for challenging CPS actions. Strategies that have proven effective in helping parents stop CPS intervention and get their children returned home. And Protect Yourself from Child Protective Services provides resources to help parents network with others who are fighting CPS.

As a former Child Protective Services caseworker, Chuck now devotes his time to helping parents and attorneys across the country fight CPS agencies. Drawing from his experience, Chuck also reveals why CPS fails to conduct accurate and impartial investigations, and why some caseworkers purposely violate parents’ constitutional rights. And he reveals unethical practices and hidden agendas caseworkers commonly use to defeat innocent parents.

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For further information or rush deliveries, please contact Chuck Ragland at CPSsolution@yahoo.com
Schwarzenegger attempting to stop exploitation of children for money in CA

California may be setting the example for the rest of the nation

Jim Untershine, GZF of LB, 03-02-04

California Governor, Arnold Schwarzenegger, is attempting to change the purpose of Department of Social Services (DSS) and that of the Attorney General. DSS will be rewarded for allowing the children to stay with their family, rather than taking them away. The Attorney General will be allowed to keep his job by enforcing the laws of his state, rather than allowing illegal marriage between gays.

The impoverishment of the family caring for their own children is becoming apparent and disturbing: As reported in the Sacramento Bee, “In a ruling that will cost California and its 58 counties more than $80 million, a Sacramento federal judge has ordered the payment of unlawfully withheld foster care benefits for children living with relatives.”, “the California Department of Social Services estimates that $30 million will have to be taken from the state general fund and another $42 million from county treasuries to cover the back payments. The federal government will be obligated to match those amounts”

The supply side of the Foster care industry is finally being recognized and scorned. As reported in the Star News, “Gov. Arnold Schwarzenegger has called for an overhaul of California’s foster care system to end financial incentives that critics say encourage counties and their contractors to make money off children in their care.”, “State and federal laws create financial incentives for placing children in foster care because counties receive $30,000 to $150,000 annually in state and federal funds for each child, say officials and critics.”

The demand side of the Foster care industry is becoming obvious and creepy: As reported in the Press Telegram: “The California Supreme Court declined a request Friday by Attorney General Bill Lockyer to immediately shut down San Francisco’s gay weddings. .”, “Pressure on Lockyer, a Democrat and the state’s top law enforcer, intensified when Republican Gov. Arnold Schwarzenegger directed him to “take immediate steps” to halt San Francisco’s marriage march. .”, “Regardless of Friday’s order, the San Francisco-based Supreme Court did not indicate whether it would decide the issue. The seven justices usually are loath to decide cases until they work their way up through the lower courts, which this case has not.”

DSS, operating in each state, is paid by the taxpayers to actively pursue removing children from their families and permanently giving them to strangers. As reported by the California Children’s Services, most of these children were not victims of abuse:

- 45% of the 498,720 children that were referred to CA DSS in 2003 alleged general/severe neglect or caretaker absence/incapacity.
- 23% of the 498,720 children that were referred to CA DSS in 2003 were substantiated.
- 53% of the 113,702 children that were substantiated by CA DSS in 2003 confirmed general/severe neglect or caretaker absence/incapacity

The California child pay-off can be presented using the net per capita income (PCI) of California in 2000 as $26,422/yr ($2,202/mo). [Net PCI across all states are found in Table SA51-52 provided by the Bureau of Economic Analysis (BEA) for 2000]

- $550/mo (25% net PCI) in child support for one child, and $881/mo (40% net PCI) for 2, is payable to a financially dependent parent who is ordered to care for the children. [Child support awards across all states are found using the calculators provided by AllLaw.com using the state PCI.]
- $627/mo (28% net PCI) in TANF and food stamps for one child, and $813/mo (37% net PCI) for two, is available to a financially impoverished parent who is not receiving child support. [TANF and food stamps provided by all states are found in • Table 7-9 of the Committee on Ways and Means Greenbook 2000.]
- $446/mo (20% net PCI) in Foster care benefits for one child, and $892/mo (41% net PCI) for two, is payable to a financially stable stranger with a spare room. [Foster care benefits provided by all states are found in]
Foster care and Welfare are paid for by the taxpayers, and are subject to repayment by the parents who are separated from their children. The state share (USC 42 1396d b) of these collections depends on the state’s PCI relative to that of the nation. The state share of Foster care and Welfare collections = 45%*(PCIstate / PCInation)^2 and cannot exceed 50%. California is allowed to keep 50% of the Foster care and Welfare collections with a gross PCI of $32,363/yr ($29,760/yr nationally). [Gross PCI across all states are found in Table SA1-3 provided by the Bureau of Economic Analysis (BEA) for 2000.]

Child Support Enforcement (CSE), operating in each state, is paid to actively prevent the payment of child support and drive both parents to poverty. The new and improved state incentive calculation (USC 42 658a b) doubles the Foster care (IV-E) and Welfare (IV-A) collections compared to child support (IV-D) collections.

It is not hard to understand why states, like Utah, have opened the floodgates regarding unwed mothers giving babies up for adoption. The exploitation of children for money is more palatable if the children are supplied willingly. The new demand for children by same-sex customers may allow some states to distribute a catalogue, complete with a schedule of tax-free income that will be provided by the taxpayers or the parents roped into repaying it.

Same-sex marriage would be a public policy wasted on a group of people who are proud of a lifestyle that precludes children. The institution of marriage does not confer commitment (in this no-fault divorce era we are forced to live in) it is simply a means to get free health care from the breadwinning partner’s employer. State Attorney Generals of the Executive branch, who wish to ignore the law in an effort to force a new group of people into the divorce courts, only serves to feed the officers and agencies of the Judicial branch.

Schwarzenegger may see through his Attorney General’s murky motive, in hesitating to enforce the laws uniformly and adequately throughout the state of California. Attorney General Bill Lockyer must choose to put the ‘smack down’ on Mayors and Judges who choose to ignore the Legislative branch, or he must choose to resign his office. Is the California Attorney General a puppet of the California Bar Association or does he report to the California Governor?

Jim Untershine holds a BSEE from Mississippi State University and has 13 years experience in feedback control system design. Mr. Untershine is currently using the teachings of Warner Heisenberg and Henry David Thoreau to expose Family Law in California as the exploitation of children for money and the indentured servitude of heterosexual taxpayers who dare to raise children in this country.


A study by a child welfare think tank released earlier this year found that the government spends an average of $65,000 to $85,000 a year to house and educate a foster child in a group home. The total costs are staggering, authors of the report wrote, noting that the direct costs of child abuse and neglect nationwide are estimated at $25 billion a year while indirect costs such as juvenile delinquency, adult criminality and lost productivity to society total $95 billion.

We estimate that foster children placed in foster family homes, actually cost the Social Security Trust Fund between $50,000 to $150,000 per child, per year. This is when you consider the real costs of mandated therapy for all family members, parenting classes, anger management classes, co-parenting classes, drug and alcohol rehabilitation, attorneys appointed for the whole family, judges, foster parents, foster family agencies, visitation centers, social workers, police officers, and many more.

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DID YOU KNOW?

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December 1—The Department of Social Services is using financial consultants who specialize in advising the state how to aggressively “maximize federal revenue.” This means that the decision as to whether to remove a child from his parents is often a factor of whether the DSS can get more federal money, according to many experts. It is reported that the Department is making an extra $90 million a year by this method.

The practice of hiring private consulting firms to advise and manage child welfare (and other agencies) is one that is used nationwide by state governments, sometimes on a no-risk, contingency basis. This means that the federal money that is supposed to be helping children is being siphoned off by consulting firms and the children are paying the price.

And Massachusetts is a leader in the practice. The task force of accountants that arrive from the consultants re-engineer how the agencies are run, right down to training, policy, forms, and other areas to serve the overriding purpose of obtaining more money from the federal government.

When asked by *Massachusetts News* if she knew that DSS was using one of the revenue maximization firms, State Rep. Marie Parente, Chair of the Legislative Committee on Foster Care replied: “Yes, Andersen Consulting. In fact that was one of my big complaints. I thought it should have been looked into.” When I was on the Governor’s ‘Blue Ribbon Commission’ in 1993, Andersen Consulting volunteered their services and they kept saying it was management and maximizing revenue and they could do it; they’re in the business.

In the end they got a three million dollar contract and I think they still hold it today. I objected. I thought it was unethical and I thought there were state workers at the time doing that work and we never needed Andersen. We have a fine revenue collection department in DSS. Andersen carved out a niche for themselves and I think they still have the contract.”

A spokesman from Andersen Consulting, Meg Travis, tells *Massachusetts News* that at one point they had three contracts with DSS and the last one ended in December of 1997. DSS spokesman David Van Dam confirms they used Andersen until late 1997; and when asked, he said DSS now uses another consulting firm called PCG (Public Consulting Group) but when asked what services they perform, he did not specify what they do. He says the work Andersen did that was related to the Commission was completed by Andersen. Attempts to get further information from PCG in time for this article were unsuccessful.

**DSS Follows Recommendations For Money**

When asked if the recommendations for reform from the Blue Ribbon Commission were acted on, Rep. Parente answered that DSS implemented those parts of the Commission “Report” that Andersen liked which increased the federal revenue. She said, “What they did was the parts that Andersen liked, you know, the money part, the federal reimbursement. But my special committee filed a minority report because I thought they focused on the wrong thing.”

A look into the Committee’s “Final Report” reveals the “money part” Parente speaks about where it states: “DSS should undertake an immediate revenue maximization effort.” And it continued that DSS should be sure that the money stays in its hands and does not go to the state. “A retained revenue account should be established to ensure that funds brought in through the revenue maximization effort are retained and used by DSS.” Andersen reported to the Commission that enhanced revenues held the potential of claiming up to $40 to $70 million extra dollars per year.

The “Final Report” also reveals that DSS was sticking its toe into the “revenue maximization waters” nineteen months prior, when DSS conducted an analysis on the “potential for enhancing federal reimbursements from Medicaid and other entitlement programs” even as it had “enhanced its federal reimbursements significantly over the last few years through the use of a consultant on a contingent contract.”

This concept of maximizing federal revenue is beginning to cause trouble in many other states as well. In California, *plaintiffs sued Health and Human Services and Contra Costa County for allowing children classified as disabled to languish for years in foster care while the county seized and misappropriated their personal SSI and other federal benefits.*

**Texas Is Imitating Massachusetts**

An illuminating report by the Texas Comptroller of Public Accounts, titled “Maximize Federal Revenues for Health and Human Services,” is a case study in the thought
defined "disabled" children are also very profitable. The "special needs" and therefore eligible for Medicaid. Broadly for example, a minority child is automatically considered about a child’s potential federal funding eligibility status? interesting details that perhaps raise a flag to supervisors of the home? Do they design risk assessment models for and train DSS workers in determining who gets taken out federal dollars is, are financial consultants hired to advise do revenue maximization considerations enter the equation when deciding who gets pulled from the home? Perhaps seemingly irrational decisions by caseworkers to pull a child can be explained better in this light rather than a case of widespread incompetence. Perhaps incompetence comes into play only in the fact that a more educated worker may question the guidelines, while less trained field personnel dutifully act without questioning. Virginia based researcher Emerich Thoma, who uses foster care and child welfare data from many states, mentions that, “Two Massachusetts studies serve to demonstrate the inextricable link between poverty and child removal.” He says that in a study of abused and neglected children entering a hospital emergency room it was found that if a physical injury was severe, it was less likely that the child would be removed. “Specifically, the researchers found that the highest predictor of removal was not the extent of a given physical injury, but rather whether or not the family was Medicaid-eligible.

In a follow-up study of 805 children, researchers found that the degree of physical injury to a child only became statistically significant in the reporting of child abuse when the family’s income was excluded from the analysis.” Both studies involved Boston-based Dr. Eli H. Newberger who also served on the Governor’s Blue Ribbon Commission on Foster Care.

Attempts to reach Dr. Newberger in time for comment were unsuccessful. Speaking to Massachusetts News, Thoma quotes the Texas Comptroller of Public Accounts, John Sharp, as saying that before a social service agency is considered to be well managed, there must be at least 50% of its children who are eligible for Social Security. The Texas Comptroller said, “There is a little known formula employed by child welfare agencies, this formula is called the “penetration rate.” What that means is before a system is considered fiscally well managed, it has to have a minimum ratio of 50% of its children as eligible for SSI.”

Thoma says the Comptroller “received that information from a communication with one of the big consulting firms, I believe it was Maximus…Federal Grand Juries have looked at this problem in California and what they have found is that these agencies are dipping into Medicaid, SSI, Title IV-E, and virtually everything else they can get their hands on. You end up with six or eight times the amount of money that is needed for that foster placement, and many states bill the parents on
top of it. As the Santa Clara County Grand Jury put it: ‘Agencies benefit financially from foster care placements.’”

“Cooking the Books”

Thoma provides numerous examples of creative, some call fraudulent techniques, which consulting firms perform for state agencies. He cites a recent study issued by the Office of the Inspector General of Health and Human Services. That study, “Review of Rising Costs in the Emergency Assistance Program,” laments that we are cooking the books to claim federal funds by “lengthening eligibility periods, defining emergencies broadly, and setting high income limits for determining eligibility...thereby maximizing federal revenue. The [Emergency Assistance] expenditures are escalating at a rapid pace due mainly to three types of costs, juvenile justice, foster care, and child welfare services.”

The prospectus from the consulting firm Maximus Inc. warns investors, “To avoid experiencing higher than anticipated demands for federal funds, federal government officials on occasion advise state and local authorities not to engage private consultants to advise on maximizing revenues.”

Thoma uses Massachusetts as an example. “Conna Craig [a Boston-based children’s advocate] points out that in her own home state of Massachusetts, child welfare agencies are known to defer requests for termination of parental rights until children reach the age of seven, as at that age children are deemed to have ‘special needs’ for which child welfare agencies may claim additional federal reimbursements.”

Massachusetts News has been unable to reach Craig for comment.

Ten Thousand Children Every Year

Approximately 10,000 children per year are taken from families in Massachusetts and placed into foster care, according to DSS spokesman David Van Dam.

Rep. Parente describes for Massachusetts News the important role federal dollars play in decision-making about those children at DSS. “I remember Congresswoman Schroeder,” recalls Parente. “She said her greatest fear about federal funding for DSS is that every time they decided to put more money into a different facet of DSS, then DSS focused the attention on that.

It is that way across the country. If they thought that children should stay with families and that was their big thing that year, all kids stayed with their families because then the state would get a lot of money. If the focus of the federal government and funds change to adoption, then everybody would get adopted.”

Is it really possible that decisions affecting the well-being of children who cross paths with the Department of Social Services are being made with emphasis on what will bring in the greatest amount of federal revenue, rather than what’s best for the child? There are indeed monetary inducements for DSS to take children from their parents. Federal funding, such as Title IV-E of the Social Security Act, reward the placement of children into the foster care system. Services that focus on family preservation - cases where no child is placed into the system - are not as lucrative.

As Conna Craig of the Boston-based “Institute for Children” wrote in 1995, “The problem with foster care is not the level of government spending, it is the structure of that spending. As more children enter the system, so does the tax money to support them in substitute care. As one foster child put it: ‘Everywhere I go, somebody gets money to keep me from having a mom and dad.’”

“Foster Children” Changes With New Laws

The number of foster children in the mid to late seventies numbered a half million in the United States. In 1982, a low of 262,000 was recorded, a reduction by almost half. Thoma credits a short-lived requirement passed by Congress with helping to reduce those numbers so dramatically. “In 1980,” Thoma writes, “Congress passed the Adoption Assistance and Child Welfare Act, or Public Law 96-272. The Act included a provision that “reasonable efforts” be made to prevent placement in foster care. The reasonable effort requirement was implemented, in part, because the Congress determined that a large number of children were being unnecessarily removed from their homes.”

The “reasonable efforts” requirement however, lacked enforcement from the Dept. of Health and Human Services. State agencies soon saw it as a paper tiger and returned to routine foster placements which shot past the half million mark, where it hovers today.

Still, in order for DSS to get paid for the foster child, a judge is supposed to be convinced that reasonable efforts were made to keep the child at home. Critics, such as the Cape Cod-based, parent support group “Justice for Families,” charge that this legal proceeding takes place in a secret, rubber stamp session with nobody else present “to rebut, object, or verify the truth” except a DSS attorney and a judge. The group claims the judge routinely signs off on a little known federal form called a 29-c which is the ticket for federal funds. They charge DSS is guilty of defrauding the federal government - not to mention traumatizing children and their families. Signed 29-c forms obtained by the parents’ rights advocates appear to provide evidence that children are placed into foster care no matter what the
form says when the judge signs off on it. At times it is blank.

In a report issued by the parents’ group titled “Findings and Suggestions on DSS Reform,” they charge, “By seizing children illegally, in violation of Title IV-E requirements via the filing of false and fraudulent documents in secrecy through the courts to obtain federal funding, DSS is defrauding the federal government with deliberate intent.”

This was foreseen by the Finance Committee of Congress in 1980 when it stated: “The Committee is aware of allegations that the judicial determination requirement can become a mere pro forma exercise in paper shuffling to obtain federal funding. While this could occur in some instances, the Committee is unwilling to accept as a general proposition that judiciaries of the States would so lightly treat a responsibility placed upon them by federal statute for the protection of children.”

Now, a new bonus is promised to states who can put kids into the adoption phase in a year or so. Like circus lions leaping to the crack of a whip, states are reordering their priorities by passing adoption laws that will bring them into compliance with federal requirements.

Massachusetts passed their adoption law in March of this year.

As Thoma observes, “The Congress failed to ask one crucial question when it passed the legislation; Why are so many children in the foster care system to begin with?”

CONGRESSIONAL INQUIRY VIDEO TAPE

Investigating Abuse and Fraud by Child Protective Services, Foster Care and the Juvenile Court System. Evidence presented during testimony before the Congressional Hearing held in San Bernardino, lead to promise of official inquiries into systematic fraud, “color of law” civil rights violations, and abuse of power by child welfare agencies.

The video of the Congressional Inquiry is now available; the entire proceedings, uncut and unedited, for $25 including shipping and handling. The tape you get will be over 7 hours long and they are being recorded in EP mode. The quality is fine for viewing, but are not intended for broadcast purposes. By recording in EP mode, I could make the tapes affordable for everyone who wanted a copy of the presentation.

Checks should be sent to: Debra Hamilton, 7167 Sunset Ave, Fair Oaks, CA 95628.

Questions can be sent to calfotogal@comcast.net.

Please allow 3 weeks for delivery.
At Ohio psychiatric centers, workers molested children, denied them food or gave them alcohol and drugs. Some kids suffered broken bones. Others lived in homes so dirty they urinated on the floor by their beds.

Taxpayers shell out $160 to $1,000 a day for each mentally ill child who lives in these private treatment centers.

But a Cincinnati Enquirer investigation reveals that kids don’t always get the help they’re promised. Some struggle just to survive.

“We’ve never found gross and willful neglect. We have found disturbing patterns of problems,” he says. “We’ve worked to correct those.” Hogan says the state tries to help facilities change rather than shut them down because Ohio desperately needs homes willing to take in the most difficult kids. “Any child being hurt is unacceptable, but when you ask, what are the norms, there are no norms for what is acceptable. Are we satisfied?” he says. “We’re never satisfied, but I’d say we’re realistic about how complicated this is.”

Knight says the system is so complex that many families can’t figure out who’s in charge of watching over their children, and many kids are sent to centers that can’t help them.

“Parents send their children there thinking, ‘Johnny is going to get better, and some day he’s coming home.’ But all too often they just end up back in another facility.”

Kids ‘deserve better’

Advocates say it’s difficult to find good care for mentally ill children in Ohio because the state closed most of its mental institutions in the late 1980s and early 1990s - and created few programs to replace them.

Ohio once operated 17 mental hospitals caring for more than 20,000 children and adults. Today, the state runs nine hospitals caring for 1,100 adults - and no children. As a result, thousands of mentally ill kids seek help outside state institutions. But severe shortages persist, and children routinely wait three months or more just for an office visit with a psychiatrist.

Those who don’t get therapy, or turn violent, depressed or suicidal, often end up in Ohio’s privately run treatment centers. Twenty-two companies operate licensed centers in Ohio, providing 937 beds.
“Residential treatment centers have kids that 10 years ago would have been in psychiatric hospitals,” explains Penny Wyman, director of the Ohio Association of Child Caring Agencies. “We serve children who, if they don’t get help, end up homeless, in juvenile detention or prison.”

To be sure, not all treatment provided by centers is suspect. Many children live in well-maintained facilities with supportive, trained staff. They have access to psychiatrists, medication, group counseling and other critical help.

But thousands of kids are caught in a system so confusing that even officials in the state Department of Mental Health and Department of Job and Family Services struggle to explain how it works.

State officials don’t even track how many investigations of abuse and neglect are done or their outcomes. At times the two departments argue over which agency should inspect which center.

With state oversight spotty and confounding, much of the burden for funding and operating the mental health care system falls to 88 different counties. As many as five agencies in one county might share responsibility for a child—who may be in treatment several counties away or even out of state.

“For some kids, the practical effects of the licensing system can be devastating,” says a 2002 report by the Ohio Legal Rights Service. “Families don’t know who is responsible for their child or their child’s rights, and parents frequently aren’t told when their child has been abused, injured or is ill.”

‘Blatant abuse’

Much of what happens inside facilities that house children is secret because of federal and state privacy laws. But extensive interviews and an examination of state inspection records, court documents and government studies provide a glimpse into how the system works. For example, an inspector in the Mental Health Department cited the Cleveland Children’s Aid Society in 2002 for failing to report injuries to children, calling it “blatant abuse.”

The report also found that a worker grabbed and broke a boy’s right arm, the home was dirty, staff was poorly trained and there was only one bathroom for 15 children so some kids urinated in their bedrooms. The center also failed to show that it followed 14 state rules to care for children and keep them safe, the inspector said.

“It was apparent from the documentation that staff aggravate daily situations which in turn escalates children,” the inspector wrote. “This has and will continue to result in injury to staff, ineffective mental health treatment, child injury and child abuse.”

Roberta King, chief executive officer of Children’s Aid, says the worker who broke a boy’s arm was suspended and retrained. She says the company corrected problems, but restraints are sometimes necessary to keep children safe.

“The Ohio Department of Mental Health, they don’t think a child should be restrained at any time,” King says. “I quite frankly think some folks at the mental health board need to spend a couple hours or a day at some of these facilities for kids.”

‘A pincushion’

Mental health regulators also found serious problems at Belmont Pines Hospital in Youngstown, which they put on probation for five months and banned from admitting any more children.

The action came after Ohio Legal Rights Service wrote to the state complaining that workers gave children too many shots of powerful drugs to control their behaviors. “We are concerned about how frequently the facility uses emergency medication shots,” an April 2002 letter by agency worker Beth A. Oberdier said. “Our further concern is the use of Haldol and Thorazine on children.”

A month later, Judy Jackson-Winston, a Cuyahoga County Mental Health Board official, also complained that Belmont Pines improperly drugged kids. She said one father told her that his son and other children were sedated whenever they got upset.

“The treatment the father had in mind did not include his son being used as a pincushion,” Jackson-Winston wrote the Department of Mental Health. “He is concerned that nearly every encounter ends with (his) son receiving a shot.”

Drugs commonly are used to treat mental illness. And sometimes, even children need several strong drugs administered at the same time, authorities say. But Patricia Goetz, a child psychiatrist with the state, wrote the Mental Health Department that the medications used on Belmont Pines children “have effects that last far longer than required for a patient to regain self control.”

Mental health department records show that Belmont Pines, a 65-bed facility, changed its policies, and the state took it off probation.

Officials at the home wouldn’t comment. But the facility’s parent company, Nashville-based Ardent Health Services, said in a statement that it’s committed to operating the home according to state and federal regulations. Other centers also use powerful drugs to control children’s behavior, according to a 2002 Legal Rights Service review of medical charts at four, unnamed centers.

The report found children as young as 10 on six different kinds of psychotropic drugs at once, including an 8-year-
old on eight medications that caused serious adverse side effects. It said most weren’t approved for use in children.

In another case, a 13-year-old boy was given three shots of Haldol and three shots of Ativan in one five-hour-period. A 12-year-old girl, born addicted to crack cocaine and alcohol and sexually abused until she turned 3, was given six shots of Thorazine, restrained by two or three men 31 different times and put in seclusion 23 times during a nine-month period.

“These children aren’t combative anymore, they’re just drugged out. They do well to just get out of bed,” says Knight, the agency’s executive director.

“Who can really fathom yet what the side effects are? The cumulative effects of multi-meds and heavy doses can just gnaw away at a child’s life.”

No state action

Psychotropic medications aren’t the only drugs improperly given to children. At a treatment center in Parma, Ohio, a police investigation two years ago found that a worker gave kids laughing gas, Ecstasy and marijuana before having sex with a 13-year-old girl and watching two other kids have sex together.

Another former youth counselor, Michael Brown, 49, of Cleveland, got sexual favors from six boys at the center by letting them drink liquor, taking them on field trips, giving them expensive gifts, or promising to adopt them. Brown and five other workers at Parmadale, a 48-bed treatment center near Cleveland, were indicted on 110 charges ranging from corruption of a minor to rape.

Four workers await trial, one was sentenced to six months’ probation for importuning, and, in August, Brown pleaded guilty to kidnapping, gross sexual imposition and tampering with records. He was sentenced to eight years in prison.

One 17-year-old victim told Brown in court: “I thought you loved me, but you hurt me and some of my friends. You will no longer have control of me after today.”

Cuyahoga County, which pays Parmadale $2 million a year to house its troubled children, stopped sending kids there during the investigation but started again last March after the company moved administrators and therapists into buildings to better supervise children.

Child-welfare director Jim McCafferty says the county steps in because it’s not always clear if or when the state will take action. “It’s a disjointed system,” he says.

Kids at risk

Inspectors also put the Oak Ridge Treatment Center near Ironton on probation after determining the center housed young sex offenders with boys under 12.

When children complained they were being sexually abused, Oak Ridge couldn’t show it offered them medical care or treatment. State officials in 2001 also faulted Oak Ridge staff for taking away children’s belongings, including their clothes, and for denying kids food, drinks and access to the kitchen - except to clean it.

Oak Ridge’s director, Dr. W. Michael Dowdy, disputes claims that his facility admitted child sex offenders. “These are issues that are behind us and that we’ve more than adequately addressed,” Dowdy says. “We’ve never had issues like that again.”

The state lifted the probation three months later after the 75-bed facility said it created a new policy to handle and report accusations of sex abuse, hired more workers and better trained them.

State officials also took action against a Springfield treatment center after getting complaints that it put kids in a time-out room 134 times in a two-month period in 2002 - and left them there for as long as nine hours.

The state ordered the facility, Oesterlen Services for Youth, to stop the practice after Ohio Legal Rights brought it to officials’ attention.

Donald Warner, director of the 52-bed facility, says the home opted to stop using time outs because it would cost too much to remodel the rooms. He disputed the claim by Ohio Legal Rights that some children spent hours in them.

“Some of that had to do with our staff not filling out the paperwork correctly,” Warner says.

He says the issue looked more serious on paper than it actually was. “No one, to my knowledge, alleged that Oesterlen was ever mistreating kids.”

‘Short-changed’

Advocates for the mentally ill say kids and their families will continue to suffer until the state sets clear standards for treatment and establishes a single state licensing body in charge of oversight.

Ohio Legal Rights has urged the state to better track abuse and neglect, evaluate treatment centers and publish the results. Under the current system, “Families are left out, and kids are short-changed.”

Advocates like Gayle Channing Tenenbaum of the Ohio Public Children Services Association agree that children need help now. “The system is unfair and wrong. What could be worse for a family than to have a child who is abused, or who can’t get access to good treatment?” she says.

“If I felt like some official at the state was agonizing or losing sleep over this, I’d feel a lot better,” she adds. “But right now, I just don’t think anybody is.”
Prosecuting abuse and domestic violence will be harder after the Supreme Court’s affirmation of the right to face an accuser

03/11/04

ROBIN FRANZEN

One of the most defense-friendly U.S. Supreme Court decisions in years, underscoring the right to cross-examine witnesses, could severely thwart the ability of prosecutors to try certain sensitive cases of domestic abuse and child abuse.

Legal authorities were scrambling to decide the extent of Monday’s ruling but said Wednesday that it could gut prosecution of cases in which victims often refuse to testify at trial — domestic violence being a prime example — and limit the use of co-defendants’ statements in the prosecution of other cases.

The 9-0 opinion potentially disallows hearsay evidence that courts had increasingly allowed as exceptions during the past 25 years and boldly reinforces a defendant’s right to confront witnesses under the Sixth Amendment of the U.S. Constitution.

“This decision will have a significant impact on criminal prosecution, no doubt,” said Kevin Neely, spokesman for the Oregon attorney general’s office, which convened a meeting Wednesday to discuss the ruling’s effect.

Dana Forman, a criminal defense lawyer, considers the decision in Crawford v. Washington to be the most important ruling from the Supreme Court since the 1966 Miranda decision in terms of preserving constitutional rights for criminal defendants.

“I was blown away by the scope of the thing,” she said. The decision overturned an assault conviction against Michael Crawford of Olympia, who stabbed a man he thought had tried to rape his wife. Crawford claimed self-defense, arguing the victim was going for a weapon when he was stabbed.

His wife, Sylvia, who was present at the time of the incident, did not testify at her husband’s trial, invoking marital privilege. However, a judge said the prosecution could use her taped statement to police indicating that there was no weapon.

The Supreme Court ruled that the wife’s statement to police was not admissible because the defense did not have an opportunity to cross-examine her.

In overturning the Washington Supreme Court on the Crawford case, the U.S. Supreme Court also abandoned its own 1980 ruling, Ohio v. Roberts, that allowed a hearsay witness statement if a judge found it trustworthy.

Inadequate under Sixth Amendment

Justice Antonin Scalia, who wrote Monday’s opinion, said that wouldn’t have been enough for the framers of the Constitution.

“Dispensing with confrontation because testimony is obviously reliable is akin to dispensing with jury trial because a defendant is obviously guilty,” Scalia wrote. “This is not what the Sixth Amendment prescribes.”

Previously, Oregon prosecutors handling domestic violence and child abuse cases did not have an absolute obligation to produce a witness at trial, Neely said. Instead, they could rely on statements those witnesses made to police officers if they were found to be reliable. Typically, in domestic violence cases, those statements had to be made within 24 hours of the incident.

“Now, in those instances, (prosecutors) will not be able to rely on the officer,” he said. “They’ll be required to produce a witness.”

It was unclear Wednesday whether the Supreme Court’s ruling would be retroactive. Prosecutors certainly hope not. But they are concerned.

“We had a situation where the law was pretty settled that this was admissible,” said Norm Frink, chief deputy district attorney for Multnomah County. “Now, I’m sure every sex abuser in the penitentiary is probably thinking they are going to get out.”

Oregon case already affected

Already, the Supreme Court ruling has caused an Oregon criminal case to be dismissed.

When a domestic assault trial began Monday morning without the victim’s cooperation, a Multnomah County judge ruled that hearsay statements against the defendant were admissible. But that afternoon, after the high court’s ruling, Forman, who works for Multnomah Defenders Inc., successfully asked the judge to exclude the statement. The case was dismissed.
The only way it can be reinstated, Forman said, is if the district attorney compels the victim to testify by issuing an arrest warrant.

Although John Bradley, special counsel for the Multnomah County district attorney’s office, agreed the decision will make prosecutors’ jobs harder, he cautioned that it might not be as broad as it appears on first reading.

Bradley said the opinion doesn’t affect many types of evidence typically admitted at trial, including medical reports or business records. He also said he expected it would take years of litigation to sort out exactly what type of evidence falls under Monday’s ruling.

Defense lawyer Larry Matasar said he thought the ruling would, perhaps most importantly, prevent innocent people from being convicted.

“If you believe in the judicial system and the right of confrontation, it’s one of the bedrock principles,” he said. Although the ruling was unanimous, Chief Justice William Rehnquist dissented from overturning the court’s 1980 decision that allowed some hearsay evidence. He said it was crucial to deal with the unresolved questions raised by the new ruling quickly.

“Thousands of federal prosecutors and the tens of thousands of state prosecutors need answers,” he wrote. “They need them now, not months or years from now. . . . The parties should not be left in the dark in this manner.”

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ASHEVILLE, North Carolina (AP) — When Sue and John Dhermy decided to fight the county to regain custody of their 10-year-old daughter, they didn’t do it quietly. They put up billboards.

Parodying the format of adoption billboards, one Dhermy ad around Asheville features the face of an unidentified girl — not the Dhermys’ daughter — and a quote printed in childlike lettering: “I want to live with my Mom, Dad and dog.”

Parents like the Dhermys say such tactics are the only way to fight what they feel is an unjust social service system that has fragmented their families.

LEGAL KIDNAPPING DESTROYS FAMILIES

THE MISSING CHILD IS DANIEL SAWYER. HIS PHOTO APPEARS ON THESE POSTERS. THE FOSTER MOM TOOK DANNY TO A PROFESSIONAL PHOTOGRAPHER. THE TOTAL SADNESS ON DANNY’S IS SO REVEALING. HE HAS LOST HIS SOUL, HIS HOPE. HIS EYES ARE BLANK.

DANNY’S GRANDFATHER HERB HAS EVIDENCE THAT CPS LIED. HE HAS A DOCUMENT FROM CPS SIGNED BY A SOCIAL WORKER AND HER SUPERVISOR THAT STATES DANIEL AND JACOB WERE BORN EXPOSED TO DRUGS FROM THE MOM. HERB HAS HOSPITAL AND LAB RECORDS SHOWING MOM AND BOTH CHILDREN WERE DRUG FREE. MOM WAS BONDING WELL WITH THE CHILD.

YET, CPS TOOK DANIEL ON DAY SEVEN FROM THE HOSPITAL. MOM WAS NURSING; NURSE SAID SHE WAS GOING TO TAKE DANNY TO WEIGH HIM; THEN, CPS TOOK DANNY FROM THE HOSPITAL. WHY IS IT LEGAL FOR CPS TO KIDNAP CHILDREN FROM PERFECTLY GOOD PARENTS? ARE FEDERAL INCENTIVES MORE IMPORTANT TO CPS THAN PRESERVING THE FAMILY UNIT? DANNY IS STILL SOMEWHERE IN FOSTER CARE AND IS NOW PROHIBITED FROM SEEING HIS REAL PARENTS AND GRANDPARENTS.
Where was the press when U.S. Sen. Orrin Hatch noted similarities between elements of the Patriot Act and child protection laws and regulations that sidestep Constitutional safeguards for accused caretakers?

Where were the ACLU, First Amendment groups and human rights enthusiasts, some members of which with other groups and individuals raise alarms about secrecy provisions of the Patriot Act? They were begged for years to step in, as they do for nearly anyone else, for traumatized children and guiltless parents whose civil liberties were ignored.

Where are taxpayers, who pay all expenses of government, and health insurance policyholders, who pay more because accusers need money and medical cover even before a judge’s immunizing signature allows legal, open and financially beneficial trafficking in human flesh?

Where are the historians who, if they bother to look at all, cannot miss the seeds of injury to bedrock individual liberty safeguards on which the nation was founded in “relaxing” child protective services (CPS) laws, regulations, policies and practices even during April’s Child Abuse Prevention Month festivities?

Protection from Official Injury

What could be more traumatic to a child than to be ill, perhaps in the hospital seeking care or the essential proper diagnosis, and to have police haul away loving and dutiful parents and impound the child with strangers? Those actions are dubbed respectively child “protection” and “foster care.”

These are the stories of most nations’ highest profile cases. Where there is a story behind the story of “mother makes child ill for her satisfaction in getting attention,” it is rarely to never written. (See: http://www.freemarybethdavis.homestead.com)

There is a simple and traceable history—and history repeats itself with regard to a supply of children and a demand for them—that helps explain how easily how The Mondale Act or CAPTA (Child Abuse Prevention and Treatment Act) of the mid 1970s led to the June 17, 1980 passage of Public Law 96-272 that gave a nod to “reasonable efforts” toward family preservation.

That the late Dave Thomas and other adoption enthusiasts were able to succeed in the November 1997 enactment of ASFA (the Adoption and Safe Families Act) that legalized faster taking and reallocating of child claimed to be abused or neglected—and siblings thereafter immediately from the delivery room—is no surprise to one who follows the logical progression.

With ASFA in place and CAPTA’s successor appropriation bills passed, usually enlarged annually, it was no problem to have each state put a CIP (court improvement project) in place so that legally it is possible to do what is Constitutionally and morally impermissible.

“Legal” and Extraconstitutional

While the general public assumes any caretaker accused “must have done something” or the purse and sword of government through local agents would not come down on the family, day care provider or baby-sitter, it is reality that third party financially interested hearsay—with no objective or producible backup—may be accepted as “evidence” in “relaxed” lower or family courts.

Some states, claiming better efficiency, economy and effectiveness, have done away with the lowest courts, instead combining their work so that a person wrongly accused is unlikely ever to have a day in a court open to actual evidence of innocence. The appeal, if there is heart and money to persist, will be “on the record” that the accusing agency has created.

That record often is withheld from an accused while any other proceeding occurs, leaving the person to face the worst presumptions of each venue against an accused without access to documents that could clear the matter. The lose-lose situation only benefits accusers, not the child, family, Justice or taxpayers.

Orrin Hatch noted some time ago that accused parents have long been familiar with major features of what civil libertarians note about similar aspects of Patriot I and II and such proposals for protection.

They include hearsay evidence, documents withheld, usual discouragement to seek legal representation, as well as document suppression. They also usually involve acting first and obtaining support, if ever, later or declining to investigate exculpatory claims or evidence.

Paper Orphans Available

For whatever reason—and for some in influential positions it has been obtaining infants and children for adoption, preferring to believe they truly must have been abused or neglected or they would not have been make Paper Orphans by a judge’s pen—the reason is highly personal.
The U.S. Supreme Court stays as far away from these constitutional issues as possible. Its shameful DeShaney decision was more than enough.

For many, from publishers and producers as well as accountants and attorneys representing media interests, reasons have also been pecuniary: “Why risk annoying or angering the advertising or reading or viewing public by suggesting we have doubts about any of the child abuse or neglect accusations?”.

In the meantime the public, some easily whipped into emotion by a belief—no matter how easily disproved when media will not examine or explain what science and common sense offer obviously—hate and want to string up anyone suspected or accused of any hint of hurt to a child, especially an ill one.

That brings us to current awareness in England and New Zealand (while Australian and American professionals continue to benefit from belief over reality and hope the MSP myth will persist) that UK’s Roy Meadow’s motivation theory of Munchausen Syndrome by Proxy really is the scientifically baseless notion this writer has advised all of the above (as an investigative reporter, accused and cleared mother, family justice advocate) for more than two decades.

Funding Known Mistakes

Still funded by Justice Department education appropriations and hiring presenters from a group composed of self-styled experts whose methods and prior testimony destroyed lives of innocents in fields of sex abuse, MSP and “shaken baby syndrome” (SBS), perhaps it is small wonder little has changed, except for the worse, while outmoded baseless theories and practices are officially sanctioned and taught to CPS workers, police and others.

“Confidentiality” that covers the false accusers and government agents effecting the errors under color of law is usually the first hurdle. First Amendment groups, while overlooking responsibility to vigorously cover CPS’s extraconstitutional procedures and practices, fight for media’s right to information it wants but give mute media a pass. In not exposing the Constitutional, both state and federal, disconnect media fails to protect never abused children and wrongly accused caretakers from having reputations destroyed and family ties legally dismembered.

In UK members of Parliament are openly delving in to decades of injury to constituents whose children have been removed and adopted out primarily from flawed expert testimony totally accepted by the courts. Oooops, now members of Parliament are told they may be breaching the 1989 Children Act by discussing anything at all related to confidential matters involving children. Frustrated representatives are seeing the light American legislators have avoided. Like mute media, those who stand for election don’t want seem “soft on child abuse” or offend those many child (as contrasted with family) advocacy groups.

No one wants to be “soft on crime,” but so often in health-based confusion (or doctors silencing a parent’s notice of mistaken and iatrogenic treatment or a divorce-custody ploy) there is public perception of a “crime” if a child is suspected to have been hurt minus the accused’s Bill of Rights protection that serial killers will have.

Children Pay As Adults

Whether through extraconstitutional CPS procedures or Patriot Act “relaxing” of liberty safeguards, children some describe as “ours” (as they justify taking and reallocating them) inhabit the same legal and moral climate as those who change its law landscape and nature.

If every child, turned adult at 18 with decades of life ahead, is equally subject to a false allegation, minus Bill of Rights protections, if hearsay is evidence and actual innocence, common sense, Constitutional safeguards, objective medical documentation cannot clear an officially tarnished name—and taxpayers continue paying all while media declines to tell the whole truth—how valuable is America’s “relaxed” way of purported child protection?

When we trade liberty for safety—either for emotive suspicions of groundless abuse claims or go overboard in presumed patriotism—it may be (and worse) than Benjamin Franklin opined in 1759: “They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.”

The “we” willing to give it up for apparent safety and protection is nearly never the same “we” who suffers the injuries that risky move. “Erring on the side of the child” has failed too many children with clear evidence of repeated injury. It is past time to “air” on the side of the child, air the whole and basic problem with letting local agents create their own law and juvenile courts to continue operating as, in 1899, admittedly unconstitutional.

MSP & SBS in UK

During Child Abuse Prevention Month it will put history in perspective and make the nation safer for children if American media look across the pond to see how MSP is going down because of belated press coverage and attention in Parliament. At the same time SBS is exposed currently in the British Medical Journal (bmj.com) as it was previously at the March 2003 International Conference of NCADRC (falseallegation.org) by four independent researchers.
Connecting the dots of history, Constitutional safeguards, child abuse protection and "relaxing" liberty prescriptions against international terror attacks are basic for all actions taken under color of law and financially supported by taxpayers and in the names and by the finances of citizens.

Hundreds and thousands have realized belated that they funded their own family's destruction and had nowhere to turn. The Attorney General is each State's top protector but also the lawyer for the offending agencies. That dual job—interest conflict as CPS protects children and preserves families with competing interests—creates a kind of schizoid duty few handle well.

Sure all those upset and now childless and/or jobless people say they are innocent; "they all say that." Those in the military who swore also to defend their homeland against domestic enemies have nowhere to turn when guns are turned against them in mistaken suspicion of child abuse or neglect in their own homes.

Media has remained largely mute on the big picture, past injustice and future implications of America's too often misguided and also cleverly and selfishly guided costly child protection programs creating gigantic future financial liability for now silent taxpayers.

Pay Now or More Later

A recent example of what silence will cost taxpayers is in California's Alameda County's removal and return of twin sons (April 2000 and June 2001) on alleged emotional abuse without the warrant Americans assume is drawn with reasons clearly stated. Not only does a consent decree have taxpayers, usually local property owners, paying $400,000 for offending government agents' constitutional errors but the twins, now 11, are suing the public defender for malpractice.

Across the nation, children who have come of age and will, even if their parents are prevented by the passage of time from seeking redress of serious grievances against unjust government actions, seek some kind of repayment for loss of time with their natural families. Cases in which evidence of innocence always was available but ignored, offending agents have no case so taxpayers get hosed.

Perhaps if the reporter-mother-writer of this release had not lived out 1983 suspicions that culminated in MSP allegations against her, she would have remained part of the wrongly angry or indifferent public.

Perhaps if she had not experienced the March 30, 1984 hospital ambush and 76-day loss of children affected in common by a vaccination reaction she pointed out to doctors she would not see the April 1 kickoff date for Child Abuse Prevention Month with concern for innocents with confusingly ill children.

For sure she would not be writing "The Myth of Munchausen Syndrome by Proxy and Other F.I.B.S. (factitious illness by suspicion)" or work in The Spirit of '76, never forgetting the surreal year of 1984, as Orwellian as the book of its name.

British research Dr. Clive Baldwin's research on the narrative, as applied to the counterbalancing story accused MSP (MSbP) mothers try to tell, shows that mothers' stories have no standing and are usually automatically discounted if sought, heard or considered at all.

By silencing mothers, whether with the original vindictive, retaliatory or mistaken MSP label, or parents or caretakers with the SBS claim frequently associated with immunization schedules, by silencing members of Parliament in UK, by having a mostly mute media in America (for many reasons), by local CPS agencies claiming "confidentiality" even after families sign releases to shine light on their stories, by anti-First Amendment court orders for accuseds to stay quiet at the cost of their kids, a lot of people have loosely cooperated to prevent documenting the abuses of Child Abuse Prevention.

Anyone relaxed about what happens when the Bill of Rights remains in the hall—when suspicion rules and science and common sense are strangers to CPS practices and court findings—may want to check with Sen. Hatch and someone who's watched with the eyes of an investigative reporter...from the inside and out.
Lola Osborne sits at a desk surrounded by mountains of paperwork. Voluminous copies of federal laws and reports on how “the system,” as she refers to it, has failed children and the people who take care of them are piled in stacks. Books and newspaper clippings add to the clutter.

She adjusts her black-rimmed glasses on her nose as she rifles through the papers, pointing out items of particular interest. A book with a photo on the cover of her posing with her granddaughter, Cynthia Rose, catches her eye.

Osborne, an affluent women with no criminal history or record of drug abuse, is not allowed to see Cynthia, now 5, because Child Protective Services, a division of the Riverside County Department of Public Social Services, has refused her visitation rights.

Osborne says she cannot sit back and watch what has happened to her family happen to others, and has spent the last couple years educating herself on every facet of the system she says so miserably failed her.

She has filed a lawsuit against Riverside County in federal court, alleging that social workers and other officials in the department lied, presented false evidence and manipulated the situation to keep Cynthia out of her home, according to the lawsuit.

The lawsuit alleges that county Social Service employees willfully and maliciously disregarded Osborne’s rights as a grandmother.

“(Child Protective Services) offered me money to take Cynthia, and I refused, so they said I would never see that child,” Osborne said. “They gave my granddaughter to a foster mom.”

The foster mother has since adopted Cynthia.

**Hard situation**

Cynthia Rose, whose last name is being withheld to protect her identity, came to stay with Osborne because her son, Cynthia’s dad, had been in jail and had a history of drug abuse. Cynthia’s mom was homeless, and also used drugs, she said. Osborne took care of her granddaughter for about four months before Child Protective Services took the child and put her in foster care.

Osborne, along with members of a support group for local grandparents raising grandchildren, and a government watchdog organization have petitioned the governor’s office to investigate the state Department of Public Social Services and its county subsidiaries, including Riverside’s.

They say the system is filled with corruption, that it protects case workers who have abused their power, takes advantage of federal incentives for placing children with foster families, and often works in secrecy, refusing to let people closest to child custody cases know what’s going on.

Further, they say children who have entered the system have gone missing or are now dead, and that the agency should account for these children so those involved in their abductions or responsible for their murders can be prosecuted.

The people behind the complaints all come from varied backgrounds. Doris Adams is a retired sheriff’s deputy for the Los Angeles County Sheriff’s Department. Cindy Grimes has held various positions, including owning her own business. Laura Koepke is president of Government Watch, a national organization that keeps tabs on federal, state and county agencies and advocates for people who have been victims of government abuse.

**Taking action**

They all have various personal reasons for embarking on this cause, but one thing binds them: they say Child Protective Services has failed children, the very people it was created to protect. It is not relatives who are most harmed by this agency, or need the most protection, they say. This cause is about children.

Over the last several weeks, the group has gone to the governor’s Riverside office and several state legislators’ offices with pages of recommendations on how to fix what they call a nationwide problem.

Koepke has studied hundreds of cases involving CPS agencies nationwide, and says she’d like to see these agencies shut down because they do far more harm than good.

She recently sent a two-page letter to Gov. Arnold Schwarzenegger, calling for him to investigate the California Department of Social Services.

She also asked that all county CPS departments in the state, judges, attorneys and private contractors who claim to provide protective services to children be looked into, and audits be performed on agencies that receive federal and state funding.

**County response**

Riverside County’s social services department handles 6,600 cases in the Child Protective Services program and
receives, on average, 3,043 referrals per month, according to the department’s Web site. The department places children in foster care, with relatives or other caregivers, depending on parents’ circumstances and a variety of other factors.

Dennis Boyle, director of Riverside County social services, declined to be interviewed, but said in a written statement that the department makes every effort to get relatives involved in caring for children in the foster care system. About 50 percent of the children placed are given to relatives when they cannot stay in their own home, he said.

“We believe in accountability,” Boyle wrote. “Riverside County has opened itself to audit by the Child Welfare League of America three times in the past nine years. We recognize no system is perfect and we work continually to discover what is not working with our systems and improve it.”

Doris Adams, who leads a grandparents-raising-grandchildren support group out of Sun City, along with several others, met with Larry Grable, a representative of Schwarzenegger’s office earlier this month. She also has met with representatives of Assemblymen John Benoit and Russ Bogh to plead the cases of children she says are being abused by the system.

“The government needs to get out of the child-raising business — they are not good at it,” she said. “When the government decided they knew more about child-rearing than the parents did, this is why we have the mess we have today.”

Adams is hopeful that her pleas for change will not fall on deaf ears and says she will continue to talk with legislators and others in positions of power until she is heard.

Grable said he did not have any specific recommendations because he only recently met with the women. However, he said some of their personal stories have piqued his interest, and the issue deserves to be looked into.

He said California Performance Review, an initiative previewed in the governor’s budget summary that will investigate waste and injustice throughout the state, could look into CPS and the complaints the women have levied. The review seeks to reorganize and reform state government to be more responsive to the public.

“I’m getting inundated on these calls in Riverside and San Bernardino counties,” Grable said. “I’d like to try and find someone who will investigate these issues.”

‘You can’t get them back’

Grimes, 54, who is currently raising her five grandchildren, says she has dealt with CPS more than she cares to remember. When she took on the first two of her daughter’s children, Mattie, 1, and Jeri, 2, a social worker told her if she didn’t adopt the children, the agency would take them immediately. Grimes would have lost money she desperately needed to take care of the babies if she had adopted them, she said.

“CPS comes in, and the grandparent or relative goes through all kinds of background checks and they place the kids with you, and six months down the line, they decide they want to adopt this child out,” Grimes said. “Once CPS takes them away, you can’t get them back.”

Grimes immediately got on the phone and called state senators, assemblymen and her local county supervisor’s office. A regional manager from CPS eventually called her and said the agency wouldn’t be taking the children.

“I just keep hearing more about relatives who keep losing their babies,” she said. “It really has nothing to do with the relative, it has to do with the child. ... What is this doing to the children?”

Failed laws

The women say laws that originally were created to protect children and create incentives for people to take them into their homes are not being followed, or are being misinterpreted.

According to a provision of the Adoption and Safe Families Act of 1997, states are to receive bonuses for increasing the number of children adopted in the foster care system over the previous year. The act gives states between $4,000 and $6,000 per foster child who is adopted. Critics say the law was created to aid the adoptions of children difficult to place, but in reality, they say, it encourages counties to remove children from relatives in order to get the incentives.

Osborne’s federal lawsuit against Riverside County also alleges that county officials removed her granddaughter without a warrant, without a hearing and without justification, according to the lawsuit.

She also claims social services employees fabricated evidence against her and her son, and falsely claimed in court that Cynthia had been sexually abused, even though no evidence of such abuse existed, according to the lawsuit.

Osborne said she doesn’t know what precedent might be set if she prevails; however, she is seeking a case plan, or comprehensive report on Cynthia’s situation, and monetary damages.

“You get numb,” Osborne says with a sigh. “You can only fight so long.”

But Osborne is not ready to give up. Too many children’s lives are at stake, she says.

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http://www.ornian.com
Many citizens in our great State of Michigan are unaware of Michigan’s dirty little secret that falls under the guise of the Child Abuse and Child Welfare Protection Laws. The advertisements and literature surrounding this area seem to be doing a magnificent thing for the children of our state. We have been led to believe that the State of Michigan is saving thousands of children from severe physical abuse and neglect. This is far from the truth.

The truth is that this campaign is a giant money machine fueled by abuse of power of supervisors and case service workers employed by the Michigan Department of Family Independence Agency (FIA) and private agencies that have contracted with FIA that we the tax payers are paying dearly for through our hard earned tax dollars. “Basically it is make work by creating a case and keep your job or contract with the state government.” The current campaign to save the children is doing just the opposite. Parents and children are result of abuse of power in the name of more state and federal funding.

I have been working extensively in this area of law for approximately two years. All of the cases that I am working on do not involve children suffering from broken bones, bruises or starvation. In fact, most of the cases that I am involved in regard parents that merely spanked their children by giving the children one or two swats on the clothed behind, parents who have physically defended themselves from a physically hostile teenager, parents who argued in front of their children, recently divorced single parents, parents with low incomes, parents who have failed to take their child to a doctor for mere cold symptoms such as sniffles and mild congestion, or parents who owned pornographic materials stored in a safe place where the children broke into and viewed the materials. According to FIA, the present state of law is that:

1) Parents cannot spank their child. Spanking, even with clothes covering the bottom, is severe physical abuse. Parents are only to use time out, reasoning and loss of privileges.

2) Parents cannot engage in physical self defense to protect themselves from a physically hostile teenager. An act of self defense by a parent is severe physical and emotional abuse. Parents are to use reasoning, time out and loss of privileges only and must sacrifice their physical safety for their violent teenager’s safety.

3) Parents cannot argue or talk about adult subjects, such as family finances, in front of their children. These are subjects that the child has no control over and creates extreme emotional distress in the child. FIA has classified this area as emotional or environmental abuse and/or neglect of the child.

4) Parents with low income are neglecting their children’s basic needs. Low income parents cannot provide for the proper medical, physical or emotional needs of their children due to their limited income. The parents’ failure to obtain middle income jobs means environmental, medical and emotional neglect.

5) Parents that fail to take their child to the family physician for colds, flu, sniffles and mild congestion, or parents who fail to obtain a family pediatrician are neglecting the medical needs of their children. FIA has classified this as medical neglect.

6) Parents who own pornographic materials, such as magazines, books, video tapes, and conceal such materials from their children have created environmental and emotional neglect of their children. Parents who own and hide such material run the risk that children will find these material and view them causing emotional harm to their children. FIA has classified this as environmental neglect.

7) Divorced, single parent families seem to be targeted by FIA as high risk environments for emotional and environmental neglect. Most single parent families are low income and of course, according to FIA, cannot provide for the basic needs of the children as measured against middle income standards.
Single parents work outside of the home, leaving their children unattended or with "inappropriate care takers" (neighbors, older siblings, grandparents, relatives) causing environmental and emotional neglect of the child. Single working parents are unable to clean their homes "appropriately" and leave their homes cluttered, disorganized, and untidy (i.e. beds unmade, dirty clothes on floors or hamper, dirty dishes in the sink from breakfast, unswept or unvacuumed floors and carpets, etc.) which the family must return to in the afternoon or evening that is classified as environmental neglect. Basically, single parents tend more to their needs (i.e. working outside of the home) to the needs of their children which is classified as emotional and environmental neglect.

Ironically, FIA compiles a list of single parent households from the Friend of the Court, sends prevention workers to the homes of such families and initially offers the families free, voluntary services through their prevention program. Such services include free parenting classes, free nutrition programs, free household budgeting programs, free employment training programs, and WIC.

The social workers in these programs compile information on the family and home for FIA. Basically, when you allow these workers to enter your lives and your home, you are allowing FIA to build a PS (Protective Services) record against you for child neglect which leads to further child protective proceedings in the Probate/Family Court which will ultimately result in the removal of your children and the children being placed in foster care. These workers are not hired to help you, they are hired to make a case of child neglect against you.

Why are families being targeted by FIA. Most people have the misconception that concerned citizens report child neglect and abuse. This is untrue! A small percentage of my cases involve reports of neglect and abuse from neighbors, family members, friends and school officials. In fact, the majority of my cases involved the family receiving some form of voluntary services from FIA, such as the free programs listed above. In the majority of cases, school officials, such as teachers and counselors, never suspected child abuse or neglect in the families that were prosecuted. Moreover, in most cases the family physicians never suspected child abuse or neglect in the families prosecuted. Families are targeted because FIA must justify its need for State and Federal grants to keep its workers employed.

Currently, FIA receives, in Federal grants, $2,000 to $4,000 per month per child in foster care and $10,000 per child adopted out into permanent homes after the parent’s rights have been terminated due to neglect and abuse. The State of Michigan provides matching funds to FIA. Bill Clinton recently signed new legislation providing for an additional $2,000 to $4,000 per month per child in foster care and $10,000 for adoption. FIA is making money hand over fist through our tax dollars. FIA social workers receive bonuses for removing children from their homes and for adoption. The incentive for abuse of power is extremely high and has occurred at alarming rates.

During 1996, Clare County removed 50% of the children in the county for neglect and abuse in the home. It is very hard to comprehend that 50% of the parents in Clare County are neglecting and abusing their children. Clare County is a “demonstration county” that is a pilot county for The Binsfield Laws supported by Federal Grants. These programs involve privatizing the foster care system. The foster care program hires private industry to service the foster care needs of the county children removed from the home.

Currently, Eagle Village in Hersey, Michigan holds the foster care contract for Clare County FIA. How does the system work? FIA initially offers families free, voluntary services through prevention services to the families on the FOC (Friend of the Court files, AFDC files, Employment Security Commission files, Social Security files, etc.) such as free parenting classes, free nutrition programs, free homemakers services, free budgeting classes, free employment training programs, etc. The prevention worker works closely with the family to coordinate these free services by meeting with the family in their home on a regular basis, once or twice per week.

While working with the family, the worker identifies problems areas that put the children at risk for abuse and neglect so as to qualify the family for these free services, such as poor parenting skills, homemaker skills, budgeting skills, and employment seeking skills.

The flip side of this arrangement is that the worker is building a case of neglect and abuse against the parents. Most problems identified are lack of bonding with the children and nurturing due to the parents’ participation in these free programs. Basically, the parents are putting their needs before the children's needs by focusing on their problems as identified in their participation in these programs. Furthermore, workers in these programs work in tandem with FIA to identify other risk factors such as poor parenting skills, why else would a parent take a free parenting class if they themselves have admitted to having poor parenting skills. Voluntarily entering into these programs is an actual admission to poor parenting, nutrition, homemaker, budgeting, or employment seeking skills that put the child at risk for neglect and abuse that lay the foundation for child protective proceedings in the Probate/Family Court.

The Courts believe that the FIA workers are the professionals and take their word as gold. The parents cannot defend against FIA. The testimony and statements mean nothing in the Probate/Family Court. In fact the Court can issue an emergency pick up order for the children based on only FIA's statements in an ex-parte hearing conduct by the judge and the FIA worker.
The parents are not present during these hearings. The Court will issue an ex-parte emergency order allowing the FIA work to enter the home or child’s school to remove the child from the parents custody. The parents do get a hearing approximately two weeks later after the removal of the child but FIA is only required to prove that probable cause exists that the children are at risk of neglect and abuse if they remain in the home.

Approximately 90 days later the parents may have a trial to determine whether by a preponderance of the evidence that the children are at risk to abuse or neglect if they are returned to the home. Most parents plea to abuse or neglect upon FIA’s promise that if the parents plea and engage in services they will get their children back sooner.

Most parents plea to charges that they have a temper, they have beaten their children by merely spanking them, they have failed to provide the child with medical attention when they had cold symptoms, or they are unable to provide for the basic needs of the child because they are temporarily unemployed. The Court then takes jurisdiction over the children, places them in foster care and orders the parents to follow the Parent/Agency Agreement to be drafted by FIA. FIA then engages in a lengthy and vague process of ordering the parents to engage in specific services, such as individual counseling, parenting classes again, anger management classes and counseling, psychological evaluations, drug and alcohol testing, classes and counseling, etc. Once parents complete these services, FIA informs the parents, usually during a court proceeding that they have not dealt with the proper issues in these programs that initially led to the removal of the children or the parents have not satisfactorily completed the programs because they will not or are not mentally able to comprehend their actions and the effect of their actions that have harmed their children. It is a no-win situation. FIA is in complete control of the interpretation of whether the parents have successfully completed the Parent/Agency Agreement.

Furthermore, if the parents elect to participate in FIA’s services with their hired agencies, then the parents never successfully complete the Parent/Agency Agreement.

These agencies are FIA’s hired hands that build a case against the parents. If the parents engage in services provided by professionals of their choice or referred by their HMO or other health care providers, then the parents must pay enormous amount of money for these services and for these professionals to come to court on their behalf to testify. More importantly, the Court views parents hired witnesses as hired hands and discounts any testimony given by these professionals as being adversarial, unbelievable and hired hands of the parents. FIA and some of the Court have gone as far as accusing the parents of failing to comply with the Parent/Agency Agreement by engaging their own professionals for service which has been deemed grounds for termination of parental rights. It is a no win situation that fails to focus on the best interest of the child.

During this whole process, Department of FIA is raking in the Federal and State grants to support its preventive, protective, and foster care programs.

These are our tax dollars at work and are being misappropriated and wasted to create a foster care and adoption industry in our state. I am not arguing that there are never cases of child abuse or neglect in this state. There are real cases of such that must be meet with the proper social nets. But our current system is froth with abuse of power and waste of precious tax dollars that has created false child abuse and neglect cases for the purpose of creating employment for social workers and private industries providing foster care services, counseling agencies that provide individual therapy and psychological evaluations, and community education programs that provide anger management and parenting classes. All of these agencies are funded by our tax dollars which are being wasted on parents who are only less than perfect and children who are not abused or neglected in the legal sense.

Furthermore, all parents are court ordered to pay child support to the foster parents through the Friend of Court for the care of their children while in foster care. Parents pay on an average of $25.00 to $30.00 per week per child if FIA is providing the foster care family through it county agency. Parents pay approximately $150.00 to $2,000 per month if a private agency is hired by FIA to provide foster care services. Nobody is sure where this money goes once it is paid to the Friend of the Court.

The system of FIA needs to be restructured to make it workers accountable for their actions. Presently, FIA workers have complete immunity from civil actions in the State of Michigan unless a parent can prove that a worker was grossly negligent in the performance of his or her duties. Unfortunately this is impossible to prove. If a parent pleas or the Probate Court finds that its has jurisdiction over the child for neglect and abuse, FIA continues to have jurisdiction over the child and ultimately terminates the parents rights, this will bar any suit against the FIA worker under the immunity doctrine.

Once your child is in the system, FIA and its social workers are not accountable for the worker’s actions. Their word is gold and the courts accept the workers word as gold. The only recourse a parent has is to appeal the Probate/Family Court’s decision, which is very expensive. Most of my parents spend approximately $10,000 to $20,000 in defending against FIA in child protection cases, even when they plea. Most of my parents end up losing their homes, vehicles, jobs because of court appearances and engagement of professional services, and savings. Most of my parents are forced into bankruptcy.

Janet Frederick-Wilson janetfrederick8825@aol.com
YOU KNOW YOU´RE A CORRUPT JUVENILE COURT JUDGE IF:

- You put 97,000 children in foster care in California, and more than half should have never been taken in the first place.
- You keep kids in foster care to endure starvation, sex, abuse, death, rape, and violence.
- You strip non-abusive parents of their parental rights in order to fill quotas and reap federal incentives!
- You rubber-stamp every CPS request to keep a child in foster care, group homes and eventually put up for adoption.
- You made a ruling that a parent is innocent and non-abusive and keep their child in foster care anyway.
- You hold illegal hearings, not giving parents their due process rights, causing them to lose their children.
- You ignore all constitutional rights of parents and their children.
- You, county counsel, foster and group homes, court appointed attorneys, and therapists are all in bed together.
- You sentence everyone to therapy and anger management, when you and CPS social workers could use it the most!
- You conspire to keep children away from their non-abusive innocent parents for the maximum time, never even considering reunification.
- You hide behind CPS corruption, fraud, malice, and lies, pretending it's in a child's best interest!
- You let every case you have go beyond the federal mandated timelines for completion.
- You let CPS deliver case plans well after the 30 day deadline, and pretend it is legal & ethical.
- You continually let CPS place parents on the child abuse central index (33,000 a year in California) without being charged, standing trial, or being convicted of abuse.
- You launder money through a slush fund for your own special interests.
- You let CPS abduct children without a warrant, with no threat of abuse or imminent danger!
- You purposely will not let a parent talk in court for over a year, while their children linger in foster care, being abused with drugs, sex, rape, starvation, violence and even death.
- You let hearsay allegations, falsified records and tainted testimony stand as fact!
- You encourage CPS to allow children to be drugged, bribed, coerced, forced and brainwashed to make false statements of abuse about their parents, using CPS run CAC centers and state funded therapists.
- You allow CPS to recommend therapists, attorneys, and doctors that work for their own interests, and pretend it's in the best interest of the child.
- You will not allow a parent to present evidence and testimony that would prove they are innocent of all charges against them!
- You allow a foster child to remain in a foster home with proven, documented cases of numerous license violations, and substantiated abuse charges.
The recent horror story of a fifteen-month delay in Florida officials discovering that foster child Rilya Wilson had apparently been kidnapped by persons knowledgeable of the inner workings of the child protection system was due to the systematic falsification of child protection system records. This falsification of child protection system records is part of a national pattern of organized crime. It is not an isolated incident.

The Rilya Wilson case is the tip of a criminal iceberg. Beginning about 1973, criminal elements in the mental health and social work professions began cooperating to construct an organized criminal enterprise that exploits children behind the legislated secrecy of the child protection, juvenile justice, and mental health systems. The contemporary end result is a nationwide organized criminal operation that uses everything from sophisticated science-fraud-based “evaluation” instruments structured to produce false positives to third party state service contracts written to sustain a system of structural corruption in which state employees and contract service providers must falsify records and testimony or they will not continue to be employed or paid.

To maintain their existence, organized criminal operations must construct management bureaucracies with policies and procedures necessary to sustain daily operations, just like any other bureaucracy. The only adaptation required to run criminal operations in the government and quasi-government agencies which constitute the child protection system is that they must be integrated into the policies and procedures of the umbrella agency and not be detected as components of a criminal bureaucracy.

The existence of organized crime in the child protection system of any given state is not that difficult to detect. Prominent among the indicators are:

1. The annual number of founded child abuse allegations can be predicted from the number of conditional federal grant and reimbursement salary fund dollars needed to balance the state child protection agency payroll (the number of children taken into state custody each year will be the number sufficient to generate the federal fund claims necessary to balance the agency payroll); and (2) third party contracts to file state child protection agency federal fund claims will contain provisions that only compensate the contractor for increases in federal funds paid to the state over and above the amount paid in the previous contract for such claim filing services. The latter creates a system that will only result in compensation to the contractor if the number of children taken into state custody constantly increases and/or the total claims generated from each child in state custody increases each contract cycle. The net result is a system in which everyone stays employed only if the number of founded child abuse cases and children taken into state custody always increases and never decreases. An important byproduct of this criminal process of exploiting children independent of the true child abuse rate is the blind political support for the criminal operations generated by the constant flow of conditional federal funds into the respective State’s economy. In the Rilya Wilson case, even the Foster Mother continued to receive and accept payments for the care of Rilya over a year after the child disappeared. Caseworkers reportedly told her to take the money.

There are similar lessons to be drawn from the embarrassment of the Bush Administration over numerous ignored warnings that Osama bin Laden planned to hijack planes and fly them into buildings and the embarrassment of Florida Officials having to explain fifteen months of falsified child protection records, sworn court testimony that Rilya Wilson was in Florida State custody and doing fine, and falsified federal fund claims for services delivered to a child that may have been dead the entire time. After the collapse of the World Trade Center, both the American Public and terrorists worldwide now know the United States is vulnerable to attack, due in large part to corruption, incompetence and mismanagement in intelligence and law enforcement agencies. After the Rilya Wilson case in Florida, the Public and every child molester,
pornographer and other criminal who need children for their misdeeds know that the corruption, incompetence and mismanagement in the child protection system can be exploited as cover to acquire children for their own illicit purposes. What happened to Rilya Wilson in Florida can happen in any state where the current organized criminal exploitation of children is allowed to continue. Sooner or later other criminals, including child molesters and child pornographers, are going to become sufficiently aware of the mechanisms the current organized criminals are using to manage their criminal bureaucracy that they will also be able to exploit the system, as were the people who reportedly kidnapped Rilya Wilson and returned a week later to collect her clothes. Among the obvious possibilities is obtaining information about the criminal activity (falsifying federal claims, official reports, insurance claims, etc.) of individual state employees or licensed professionals, like psychiatrists and psychologist, and blackmailing them to allow access to children for criminal exploitation or perversion.

Of major importance to prosecutors is that the systematic falsification of records by child protection system crime participants in psychiatry, psychology, social work and child abuse investigation units, results in the systematic falsification of evidence used in child related criminal and civil judicial proceedings. While it may be tempting not to look to closely at experts and evidence which make convictions easier, relying on criminals who help conceal their nefarious enterprises by providing convenient services to the people who should be prosecuting them is a house of cards that will collapse locally or nationally at some point. We have the contemporary examples of the falsification of evidence in the Los Angeles Police Department and the newly documented error rate in death row convictions.

Unless something is done to shut down the organized criminal activity in every state in which it exists, Rilya Wilson is not going to be the last horror story to capture national attention. Careers will be ruined, as they have been in Florida, and people will end up going to prison for crimes far beyond what they thought they were getting themselves into by falsifying a few reports to get federal funds into the state or for insurance claims. Prosecutors, Legislators, and other state officials who thought they were benefitting their state by looking the other way because federal funds were coming into the state’s economy, may end up having to face situations far uglier than they ever thought. Former Arkansas State Senator Nick Wilson is now in federal prison for his sponsorship and participation in one such legislated criminal enterprise to exploit children. Other Arkansas attorneys involved lost their licenses to practice law. An Austin, Texas DHS Supervisor committed suicide after allegedly being caught running a foster child prostitution ring from his office computer. In a recent Arkansas Legislative Session, a bill drafted by Arkansas Department of Human Services employees was discovered to contain provisions that would have required employees to lie about records and facts, even if subpoenaed. The bill was withdrawn once the Legislator duped into being the primary sponsor was made aware of its contents. In a June 6, 2002, opinion, the Arkansas Supreme Court ruled that an infant Arkansas citizen had been illegally transferred to Florida State custody in what was essentially an interstate criminal conspiracy to seize and transport children in complete disregard of State and Federal law. (See Arkansas Department of Human Services v Cox, Supreme Court of Arkansas No. 01-1021, 349ark, issue 3, sc 9, 6 June 2002 http://courts.state.ar.us/opinions/2002a/20020606/01-1021.wpd)

The important point being that these child protection system criminals will be pushing the envelop on what they can get away with, as in these examples, and sometimes that envelop will rupture, as in the Rilya Wilson case, exposing not only the criminals but government officials and private citizens who were indirectly benefiting from the criminal activity. The important question being how sophisticated, brutal and embarrassing will organized crime in the child protection system be allowed to become before it is addressed.

In the hope that my documentation of how the organized crime bureaucracy functions in the child protection system will help prevent any repeats of the Rilya Wilson horror story, I draw the material to your attention. Below is the master link page address for six articles I have written on how crime in the child protection is created, organized and managed. The six articles will provide an overview of the context in which a child’s kidnapping can be concealed for over a year. Although written for the popular media, each article contains detailed instructions on how to detect various mechanisms used by organized criminals operating in the child protection system to sustain their operations. Part II contains a formula for determining if the annual number of founded child abuse allegations can accurately be predicted from the number of conditional federal salary fund dollars needed to balance the child protection agency payroll.

See links to Parts I-VI of “Crime Management in Government” at:

http://www.thesociologycenter.com/Bibliography.html

I sincerely hope you will use this information to determine if the child protection system in your state has an organized crime problem. I do not want to see any more stories like that of Rilya Wilson, when I know they can be prevented by ending the influence of organized crime in the child protection system.

If I may be of further assistance, please contact me at: James Roger Brown, Director, THE SOCIOLOGY CENTER, P.O. Box 2075, Little Rock, AR 72115, (501) 374-1788, thesociologist@aol.com
In 1974 Walter Mondale initiated CAPTA (the Child Abuse Prevention and Treatment Act), the legislation that began feeding federal funding into the state’s child welfare agencies. With remarkable foresight Mondale expressed concerns that the legislation could lead to systemic abuse in that the state agencies might over-process children into the system unnecessarily to keep, and increase, the flow of federal dollars. Shortly after CAPTA was enacted there was a dramatic increase in the number of children in foster care, peaking at around 500,000 during the mid-70’s.

George Miller, the Chairman of the federal Select Committee on Children, Youth, and Families, initiated an intensive investigation of the nation’s foster care system after the effects of CAPTA started to become apparent by the soaring numbers of children who were being placed in foster care. An official at the U.S. Department of Health, Education, and Welfare admitted to Miller that the government had no idea where many of the nation’s 500,000 foster children were living, what services they were receiving, if any, or if any efforts were being made to reunite them with their families.

To address the obvious free-for-all snatching of children that CAPTA had stimulated, the Committee crafted new federal legislation with the intent of creating accountability and clearer guidelines for the states child welfare agencies. During the crafting of P.L. 96-272 Chairman Miller’s concern was that the federal government was footing the bill for warehousing children in institutions and inappropriate settings without accountability.

In 1980 the Adoption Assistance and Child Welfare Act, P.L. 96-272, was enacted. The act included provisions that “reasonable efforts” be made to prevent children from being unnecessarily removed from their homes and placed in foster care. Although CPS has always tried to buffalp the media and the public that they are involved with families due to some sort of horrific child abuse or neglect, there has never been any debate among national policy makers, researchers, and federal agencies that the vast majority of CPS cases are due to poverty or frivolous/social reasons and do not contain elements of real child abuse. If the cases did actually involve acts of abuse they would be criminal, identified and investigated by law enforcement, rather than social workers, and would be prosecuted as such.

PL. 96-272 came into effect partly because Congress determined that a large number of children were being unnecessarily removed from their homes, and, once removed, they were lost in the limbo of foster care for years, many until they just grew too old, when they were then put on the streets at the age of 18.

The Child Welfare League of America testified before a senate subcommittee: “In fact, there were many instances then, as now, of children being removed unnecessarily from their families. It is important to recognize that children are almost always traumatized by removal from their own families.”

So, accountability from each states child protection agency was also written in. To receive the federal money the states would have to submit an annual report to the federal government, known as an AFCARS report, that specifically accounts for each child in state care. ACLU Children’s Rights Project attorney, Marcia Robinson Lowry, explained in her testimony to Congress: “As a condition of federal funding, states must have a reasonable information system to identify children in federally-funded state custody.” These requirements were implemented in 1980.

Up until 1999 some states were still not filing their federally required AFCARS report to the federal government. According to Jeffrey Locke, former Commissioner of the Massachusetts Department of Social Services, the excuse to the legislature was that they “couldn’t figure out how to work their computer system.”

When I called Senator Therese Murray in 1998 to ask how many children had died in foster care in Massachusetts, her aide replied: “We don’t have those statistics.” At that time Senator Murray was the Senate Chair of the Committee on Health & Elderly Affairs, and therefore responsible to oversee the collection and filing of AFCARS data.

The “reasonable efforts” requirements were designed to address these issues by requiring the states child welfare agencies to have specific investigation and assessment policies to minimize frivolous removals, to provide “services” to address and ameliorate conditions that were detrimental to the child’s well-being; to place children with relatives when removal from the home was absolutely necessary; and make efforts to reunite families in a timely fashion. Methods to audit and track compliance with federal requirements were also built in.
The states were to establish “citizen review panels” comprised of a specifically designated representation of the population which would include not only members of collateral professional communities involved in child protection, but “parents, foster parents, and former foster children.” Each state was to have at least three citizen review panels. The panels would essentially act as a standing jury of peers and would review CPS cases. Twenty years after P.L. 96-272 went into effect the citizen review panels have never been established in most states.

Another means of creating accountability was to have the federal authority, U.S. Department of Health & Human Services, conduct compliance audits, which are known as Section 427 reviews. The method of enforcement that Congress devised to ensure that the states followed the federal law was to provide incentive funds to the states that documented their compliance with the federal regulations. The states would self-certify compliance, but could be subjected to “periodic” 427 reviews by the Dept. of Health & Human Services. Were the states to find themselves in non-compliance they would simply return the incentive funds. It would seem that providing cash to agencies that are allowed to self-document compliance is a somewhat less than intelligent system. It would be interesting to track down exactly how much money the states child “protective” agencies have returned to the government because they found themselves in non-compliance. Gee, maybe this is rocket science.

Like CAPTA, P.L. 96-272 could only have worked if the federal government demanded compliance and meticulous accountability, and them imposed sanctions for non-compliance. Even better – criminal charges for racketeering for intentional fraud. Mark Soler, director of the National Youth Law Center in California explained:

“...The Department of Health & Human Services has failed to promulgate meaningful regulations to implement the Adoption Assistance and Child Welfare Act. It has applied even the minimal federal regulations that were developed in an inconsistent and arbitrary manner, and only token implementation of the laws protecting children."

Even when HHS finds overwhelming evidence of lack of compliance during 427 reviews, no sanctions are imposed and they continue to keep the fed $$$ pouring in – in violation of their own regulations. Not so much as a slap on the hand or even token admonishment. Certainly explains how CPS developed their arrogance and contempt for any authority – because there is none. Their confidence that they are free from the feds insisting on compliance with the law is well illustrated by the foster care numbers which increased dramatically after CAPTA began feeding federal dollars into the states child protection agencies, then dropped equally dramatically after the enactment of P.L. 96-272, which was supposed to create more specific federal regulation and accountability. However, once the state agencies saw that the federal government was not enforcing compliance, the foster care numbers soared once again.

Michael Petit, Deputy Director of the Child Welfare League of America, stated in his testimony before Congress: “A 427 is a meaningless process for most of the states. It represents no kind of sanctions to the states whatsoever for non-compliance.” Marcia Robinson Lowry told Congress: “States are passing HHS audits with systems in which no reasonable person could consider that children are being well treated. It is virtually impossible to fail a 427 audit.”

The initial concept of “reasonable efforts” was the only conclusion that any rational person could come to: rather than disrupt children’s lives, and traumatize them by seizing them from non-abusive situations and placing them with strangers (who are often no better, and sometimes far worse), assist families in overcoming their obstacles and problems by providing support and services. The idea never worked, though, because it has always been more profitable to too many to remove children rather than keep them at home. Rather than offer support and simple, practical services to families CPS forged contracts with vendors. Now private businesses, under the guise of “service providers”, could mushroom into existence knowing that their sugar daddy, CPS, would provide a never-ending flow of coerced clients. The market potential is unlimited – potentially every mother, father, grandparent, and child in the country. Rather than offering practical, meaningful services that are germane to the families circumstances, CPS clients are ordered to engage in “services” with CPS-contracted vendors; special interest groups who are dependent on CPS for their income and profit by maintaining the levels of children in foster care, and whose interests are protected by a bureaucracy intent on securing it’s own survival and protecting unlimited growth.

The extent of which CPS is allowed to continue to operate while being so far out of compliance with the existing state and federal laws is mind boggling. It would be a challenge to find any other agency in our countries history that operated in such gross and blatant violation of the law with absolutely no intervention from the administration. Tens of millions of tax dollars are being squandered on a system that is destroying families and causing lifelong emotional ruin to children – and those are the lucky ones who live through it.

The most egregious area of outright criminal fraud is CPS’s practice of filing their federally required documentation of compliance in secrecy through the courts. The federal foster care reimbursements are channeled through the Title IV-E section of the Social Security Act. Each states child welfare agency enters into a contract with the federal government, which is referred to as their Title IV-E state plan. It is this contract that spells out the responsibilities that CPS must, by law, comply with in order to receive their federal funding. To document compliance with the fed regs CPS must file a form through the courts in each individual case. In Massachusetts these forms are referred to as a “29-C.” 42 U.S. Code, ss 672 reads:
“These requirements are not mere formalities. The Finance Committee of Congress, in preparing its summary for final passage of the Adoption Assistance and Child Welfare Act of 1980, P.L. 96-272, stated; ‘The Committee is aware of allegations that the judicial determination requirement (sic: that a judge makes a determination that a child needs to be removed from the home) can become a mere pro forma exercise in paper shuffling to obtain federal funding. While this could occur in some instances, the Committee is unwilling to accept as a general proposition that the judiciaries of the States would so lightly treat a responsibility placed upon them by federal statute for the protection of children.”

1980 U.S. Code Cong. and Admin. News: “A judicial determination of those efforts (reasonable efforts, as defined in the Act) serves to closely examine, in the case of each individual child, whether reasonable efforts were made to keep the family intact.” In accordance with the federal requirements the Massachusetts legislature enacted G.L. c.119 ss 29b, which requires all judges to certify that the Department of Social Services met the obligation grounded in the federal statute of making reasonable efforts to protect the child short of removing him or her from the parents, and, if the child was removed, making it possible for the child to return home in a timely manner. Rather than “closely examining”, in Massachusetts this grave responsibility is carried out by judges by rubber stamping stacks of 29c forms that simply contain three “yes” or “no” check boxes. In many instances making three check marks is even too much work for Massachusetts judges and they rubber stamp the forms while leaving them blank – never mind actually verifying that the “reasonable efforts” were made. In return for these forms DSS receives it’s federal money.

The three questions are:

1. Continuation in the home is contrary to the well being of the child?

2. Reasonable efforts have been made prior to the placement of the child to prevent or eliminate the need for removal of the child from his/her home?

3. Reasonable efforts have been made to make it possible for the child to return to his parent/guardian?

I discussed this issue a few years ago with Veronica Melendez at the Children's Bureau (the federal authority). She told me that the federal government was under the impression that all parties were present in the court room at the time of the filing of the 29c’s, so that the parents attorneys had the opportunity to object, rebut, or verify the “reasonable efforts.” In reality, no one sees the federal forms except the judges and a representative of DSS’s main legal department. Attorneys ask us how we ever “got our hands on” the 29c forms, as we have never yet met an attorney who has seen the forms, let alone have been notified of the filing hearing. We even have forms on which the “no” boxes were checked, yet the children were still removed from their homes and federal funds collected for them.

By seizing children illegally in violation of the Title IV-E requirements, then filing false documents in secrecy through the courts to obtain federal funding, CPS is defrauding the federal government with intent. CPS should be subject to investigation and prosecution by the U.S. Attorneys Office. They should be held liable for the restitution of all illegally obtained funds, and prosecuted for perjury, obstruction of justice, and the fraudulent collection of federal funds under the False Statements and Accountability Act of 1996, P.L. 104-292 110 stat 3459, 42 U.S.C.S. 670-679a; P.L. 96-272; C.F.R. part 1356; and Title IV-E. I have discussed this issue with the Inspector Generals Office and they felt it could possible be prosecuted under RICO, yet they have also failed to act, possibly because it isn’t just CPS/DSS who is committing federal fraud, but also the judges who are signing the documents.

In 1988 George Miller, the original architect of P.L. 96-272, and Chairman of the congressionally appointed Select Committee on Children, Youth, and Families, recognized the fraud being committed in the name of child “protection”, and stated:

“What has been demonstrated here is that you have a system that is simply in contempt. This system has been sued and sued and orders have been issued and they just continue on their merry way. And HHS just continues to look the other way. You have a system that is not only out of control, it’s illegal at this point. What you are really engaged in is state sponsored child abuse.”
Monday, September 29, 2003 - Too many children have been unnecessarily placed in foster care because of a “perverse financial incentive” that encourages local governments to earn money by bringing youngsters into the system, a new state report says.

The study by the California Department of Social Services also says too much emphasis has been placed on investigating whether parents abused or neglected their children while not enough has been done to help families overcome their problems.

“Over a period of years, the original vision for supporting and healing families through the child welfare system has deteriorated into an adversarial and coercive approach,” DSS Director Rita Saenz said.

David Sanders, who took over in March as head of the troubled Los Angeles County Department of Children and Family Services, said experts have estimated that as many as half of the county’s foster children could have been left in their parents’ care if the appropriate services had been provided.

A study by a child welfare think tank released earlier this year found that the government spends an average of $65,000 to $85,000 a year to house and educate a foster child in a group home.

The total costs are staggering, authors of the report wrote, noting that the direct costs of child abuse and neglect nationwide are estimated at $25 billion a year while indirect costs such as juvenile delinquency, adult criminality and lost productivity to society total $95 billion.

In response, the Child Welfare Services Stakeholders Group, a body of 60 child-welfare experts formed by Gov. Gray Davis in 2000, has proposed an “ambitious and far-reaching overhaul” of the state’s child-welfare system. Andrew Bridge, managing director of child-welfare reform programs at The Broad Foundation in Los Angeles, said one of the most basic problems with the system is restrictions that provide money only when a child enters foster care.

“The county will only continue to receive funding for the period it keeps the child in its care. You can’t run a system that is based on a buck-a-head for as long as you can keep the child,” Bridge said.

The state report said California has 13 percent of the nation’s total child population and 20 percent of its foster children.

More than 700,000 children come into contact with the child-welfare system annually statewide. About 77 percent of those in foster care were removed from their homes for neglect. In Los Angeles County, more than 160,000 children came into contact with the system last year. Nearly 80 percent were involved because of neglect.

More than 91,000 children are in foster homes statewide. In the county, the $1.4 billion DCFS budget pays to provide services to 75,000 children in the system or living in adoptive homes. Of those, nearly 30,000 actually live in foster homes.

The stakeholders’ report recommends the Department of Social Services seek approval from the federal government for more flexible use of its $3.7 billion annual child-welfare budget so more money can be spent on services to keep families together. Congress is expected to take up legislation next year dealing with reforms in how the system is funded.

The stakeholders also recommended that the state improve its method of contracting with public and private foster care agencies.

Of the county’s 30,000 children in foster homes, an average of 6 percent to 7 percent are abused and neglected, a rate among the highest in the nation.

“The safety issue is such a big one,” Sanders said. “Los Angeles County is way out of line with the rest of the country. You just have kids who are being abused after we have supposedly put them in a safer environment.”

Janis Spire, executive director of the Alliance for Children’s Rights in Los Angeles, said the report outlines the “only realistic path toward achieving stable, secure homes for our children.”

“The toughest job is still ahead in terms of providing a step-by-step plan for achieving these goals,” Spire said.

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Mr. Dennis Hinder
Executive Vice President

MY NAME IS RAYMOND ANTHONY MARRUJO. I WAS BORN ON THE WHITE MOUNTAIN APACHE RESERVATION IN ARIZONA AS I WAS TOLD THAT I WAS TAKEN AWAY FROM MY MOTHER JUDY BY C.P.S. IN POMONA WHEN I WAS VERY SMALL. I NEVER KNEW WHY THEY DID I KNEW A LITTLE BIT ABOUT IT, AS I REMEMBER HERE IS MY STORY, MY DARK STORY AS A CHILD.

I REMEMBER AS A CHILD I HAD A GOOD LIFE ONE DAY I WENT TO SAN ANTONIO, TEXAS, TO MEET MY DAD FOR THE FIRST TIME IN MY LIFE. WHEN I SAW HIM HE WAS REALY RED DARK. THE REASON WHY IS BECAUSE HIS INDIAN. AT FIRST I DIDN'T THINK HE WAS MY DAD AT FIRST BECAUSE I'M LIGHT COMPLACED LIKE MY MOTHER EVERYONE WAS DARK ON MY DAD'S SIDE. I ASKED HIM IF HE WAS MY DAD. HE SIDE YEE! (Hijo) MY SON HE ASKED ME WHY, I ASKED AND I TOLD HIM, WHY BECAUSE MY SKIN IS LIGHT & HIS WAS DARK RED. HE TOLD ME IT DOESN'T MATTER WHAT COLOR MY SKIN IS BUT WHAT DID MATTER WAS THAT MY BLOOD IS FLOWING IN YOUR VEINS. AND YOU ARE MY SON EVER SINCE THAT DAY I FEEL REALY CLOSE TO HIM. I ALWAYS ASKED MY MOM CAN I GO SEE MY DAD & SHE ALWAYS LETS ME, UNTIL ONE DAY SOMETHING REALY BAD HAPPENED MY FATHER PASSED AWAY AS A DIABETIC IN 1987 & THEN C.P.S. CAME & TOOK ME AWAY FROM MY MOM.
Because someone told the C.P.S. that I was being abused by my mother I don't know why someone would do that? Yes, my mom had problems but don't everyone have problems of their own, but my mom never abused me, at all! Well as C.P.S took me away in Pomona, they took me to a place called (Macarvian Hall) for children in Elmonte California. From there, I went to a juvenile court, a few times. This was about 1989. The Judge, there was real mean. He tried to make me turn against my mom by giving me a blow pop candy. I always had marks on my body because every since my father passed away I was always in fights at school, so the courts or C.P.S use that as abused well. I ate the candy & as I was eating the Judge says to me, Son right after he said that to me I told him I'm not your son, but anyway, he asked me (is it true that your mom been hitting you?) I looked at my mom & she was crying & then I looked at him & said no! These marks are from fighting at school, they did not believe me, they took me away from my mom & my whole family anyway! They took me to a foster home & the people there tried to act like my mom & dad. They said one day to me if I didn't be good they were going to hit me. One day they told me that they were my mom & dad. I told them no, you guys are not! I started cussing them out & told them I was going to run away & tell my mom, they locked me up in a room. I told them that I can get out. They said no you can't. So they locked me up in the room. I remember there was a fire truck on the floor I took it & broke the window with it & jumped out. I was real young then, I ran to my Aunt Cher's house. I don't know how I got there.
But I did. As I walked to my aunt's house, I walked through the door and saw my mom sitting on the couch to my right. My mother asked me how I got here. I told her I ran away and that I didn't want to go back. Because they were mean & bad to me. My mom said that she had to call the C.P.S. and let them know that I was there, & that I have ran away from the foster home. I told my mom that we both can run away from this but she told me if she didn't call she was gonna get in trouble. I ran & hid underneath a bed, as the C.P.S. lady from Pomona tried to get me. I was kicking & screaming at her telling her that I don't want to go back. If she said I had to go back, and if I don't get from underneath the bed she is going to get a police officer to get me out from the bed. Well the C.P.S. came, & they had a hard time getting me out from underneath the bed when they got me they dragged me out by my arms & almost broke them. They were ruff with me, well I got lose and I started fighting them, I kicked one of them real hard. They got me & put me in the C.P.S. lady's car, & she took me back to the foster home. The foster people couldn't handle me so they took me back to (Maclayian Hall). Every since that day I have been in & out of over ten foster home's & group home's. & each time they put in one of them I ran away all I wanted was my mom & my whole family. One day I was in a group home in Van Nuys I ran from there trying to get back home. As I was on my way home I had to
Steal food from store's because I was real hungry & I didn't want to go back to the group home. I ran as far as my legs can take me, I stop in the city of Long Beach. THAT'S where my history of crime started, by taking a moped because I knew the city of Pomona were my home was, was real far away that started my life of crime's. I have not seen or heard from my mother or family in over eighteen years. I carry a lot of anger & hurt in me because of all this, & all I wanted was to go back home with my mom & family. To date, because of my anger I have long history as a juvenile & adult criminal, as now I am presently in San Quentin State Prison, and I am still searching for my family, a nightmare that has lasted for over eighteen years. I hate this system for what it has done to me & to my mom & other victims that has fallen prey to the C.O.P.S! system. I also went back to Pomona one day in 1996 in search of my mother, when I had NO LUCK I walked to the C.O.P.S office in LA to get my mom's last known address, in an attempt to find her, they told me that they can not give out any information even though I produced my I.D. what a heartless
system that destroys children then prevents them from putting their lives back together on their own. I know that I have brothers & sisters that I have not seen in over eighteen years, & I hope that they did not fall prey to the same nightmare & trap as I. I have and to this day I am still looking for all my family members. Though this hard life I live everyday, this whole system runs on a big lie.

I have made a big promise to myself & for my family & other victims. If I ever see that C.P.S. lady again I will spit in her face for all the pain, suffering, anguish & nightmares that she has cause me & the countless others. What she has done to me I will never forget! If you can use this dark & sad story to help your cause please do so! Because I want everyone to know the truth about C.P.S. & what the system has done to me.

Also, if you know anybody that can assist me in locating my mother, I will be greatly indebted to whom ever. My mother's name is Darlene Pasaud or she could be using the last names of Torres or Marrujo. The last known city was Pomona, California. The last known street she resided on was 7...
EDITORIAL from the LA Times

May 8, 2004

So rickety are foster-care programs across the nation, and so invisible are the 500,000 children in them, that the release last week of a federal survey detailing how all 50 states are failing these vulnerable youngsters surprised no one. California shares with 50 other states the shameful distinction of falling short on nearly every measure used to assess the quality of care. This booby prize might be reason for despair, but Los Angeles leaders instead hope it will push state bureaucrats to help localities provide better-tailored, more individual care.

Federal investigators reviewed data and a sample of case files in every state from 2000 to 2003, looking at such key measures as the length of time children spent in foster care, the stability of their arrangements and how frequently they suffered abuse and neglect at the hands of their caregivers. California’s 58 county-run foster-care programs fared poorly on all these key indexes.

Children like Raymond Marrujo, up and down the state, and particularly in Los Angeles, bear the steep costs of these failures. Already traumatized by their parents’ mistakes, violence or indifference, they often drift for years in county care, passed from one social worker to another, tossed among foster homes, often finally “graduating” at age 18 to homelessness, teen pregnancy or crime.

The survey’s dismal results could exacerbate those failures because the federal Department of Health and Human Services could sock failing states with penalties — up to $18.2 million in California’s case. The federal government already pays about half the national tab for foster children, about $5 billion annually. This money largely goes to cover state and county administrative costs and to pay for spaghetti and blue jeans for children in care. Instead of reducing funding, a better way to improve the odds for foster kids would be to give states and counties flexibility in how they spend federal dollars and encourage these agencies to maintain the children in their own homes whenever possible.
Five-year-old Deborah Hasson was pulled out of her kindergarten class and taken to the nurse’s office. Her ears were bright red, and the child constantly complained of an intense pain. The school, required by law to report anything of this nature, called Child Protective Services in Fromberg, Montana.

CPS immediately concluded that the child was being abused at home, and so that same hour picked her up from school and arranged to place her into a foster-care situation. Deborah’s mother, Grace, was horrified upon hearing this and immediately produced a doctor’s report, which explained that Deborah had an ear infection. CPS chose to ignore this information and insisted that Deborah was being abused. That was the fall of 1992. The incident launched a violent custody battle that lasted for two and a half years.

In 1995, the very night Deborah came home, Grace, a single mother, was awakened at 2 a.m. by a harsh rapping at the door. Through the window she could see four police officers and a social worker. In a state of panic she called her friend Betty for help.

When Betty arrived she found a hysterical Grace handcuffed downstairs with a police officer, and the male social worker upstairs with the three frantic, young girls. The social worker said nothing more than that he had received an anonymous report of abuse. Grace was arrested and the children were put into foster homes. It was to be another four and a half years of bitter court battles before Grace would clear her name and regain custody of her daughters.

Too outrageous to be true? According to Dr. Marc Einhorn, a forensic psychologist in Atlanta, Ga., these types of cases are prevalent throughout child protection agency suits across the country. Einhorn has been involved in several hundred cases across five states. Einhorn said that Child Protective Services started in 1974 with the best of intentions. Back then the definition of child abuse was narrow — consisting of what reasonable people thought of as abuse. Over time, however, that definition has broadened to include anything and everything you can imagine — whatever the state deems appropriate.

Many states now have very broad definitions of abuse. For example Utah’s is simply “actual or non-accidental harm.” This leaves grounds for the removal of children up to the discretion of the social worker.

Einhorn recalls a case he worked on involving a family in Salt Lake City. The family had four handicapped children, one being severely autistic. The parents decided to apply for Social Security benefits for the autistic child, and had him examined as a part of the standard application process. The child protection agency of Utah got wind of the application and removed all four children from their home. The grounds? The parents were exploiting the handicapped children for money.

Matthew Hilton, the family’s attorney commented, “It’s not the happiest area to deal with... these are real fights, some are black and white, but most are in the gray.” The guidelines are very vague. Juvenile court has its own set of rules and laws, which are very informal. A lot of “protections” are put up around the children.

“The problem with the system is that Child Protective Services has quotas to fill,” Einhorn said. “If a certain number of children are not removed from their homes each year, the agency will lose status and funding — causing people to lose their jobs.” He said that this causes children to be removed on the flimsiest of terms.

Suzanne Shell, author of “Profane Justice” and president of the Family Advocacy Center, affirms the idea of a quota. Shell said for the agency to receive the amount of money it does, each social worker must complete a certain number of cases. Therefore, social workers are pushed to remove children from their homes on very questionable grounds. For example, Shell cited several instances where children are removed for “safety reasons” — the house was not
clean, or instances of “neglect” because there was not enough food in the refrigerator. The reports neglected to show that it was spring cleaning day or it was the end of the month when the food supply was low.

In response to the question of a quota, Patricia Montoya, commissioner for Children, Youth and Families in Washington, D.C., said that “child protective services are the responsibility of the state. Funding is provided by the federal government ... but the system itself is designed and operated by the states.” She went on to say “the quota is not the goal — the goal of CPS is to protect the child, make sure they are safe, and help provide intervention. That’s what the laws that are in place are all about.”

Dianne Warner-Kearney, a Utah child protection specialist, says, “A quota for children to be removed from their parents into foster care is absurd. In fact, if at a multidisciplinary staffing which occurs within 24 hours after the child is removed from the parents, should it be determined at that point that there were no legal grounds for removal, the child would be returned immediately.”

Einhorn recalled many social workers he worked with in the past who left CPS in sheer disgust of the corruption of the system. According to the caseworkers, executives would “sit back and lick their chops” while deciding which family to harass next. One caseworker quit after working with the agency for 12 years. He said 95 percent of the children should never have been removed from their homes.

Many of these “atrocities” are done in the name of “the best interests of the child,” a term abundant throughout several states’ CPS websites. Einhorn said that ironically the agencies are seriously disturbing and frightening the very children whose interests they are trying to protect.

Shell is very skeptical of whether the state should be given the benefit of the doubt when the child’s well being is at stake. She says that social workers would not be willing to do their job without pay or give their lives for the children, whereas parents would — “So, who has the child’s best interests in mind?”

According to the FAC web site, “Children in foster care numbered more than 520,000 in March 1998, up from 340,000 in 1988.” Montoya accounts for the increase in foster care as “a combination of different things ... an increase in child abuse and neglect due to the added stresses of the changing world we’re in — with better reporting systems we’ve brought the issue to a higher limelight: kids are often self-reporting if they are being abused or neglected at home .. family and neighbors have also started reporting. ....” Pamela and Wilbur Gaston, of Mount Angel, Ore., have been fighting the courts for nearly four years in an effort to regain custody of their daughter, Melissa. Melissa was taken at the age of five on the false report that her 72-year-old father had inappropriately “touched” her. The Gastons, who have meticulously documented evidence refuting the charges, are outraged at the lack of due process in the justice system. At a hearing in May 1998, the Gastons claim that the presiding judge stated twice on the record that “I will not allow you to make an offer of proof because facts are not an issue.”

Einhorn commented that in CPS cases, the accused are most often guilty until proven innocent. “There is a serious accountability problem in the Child Protective Services ... CPS answers to no one.”

According to a statement by the office of Oregon Attorney General Hardy Meyers, “claims against defendant judges, district attorneys and assistant attorney generals are barred by judicial and prosecutorial immunity ... this immunity applies even when a judge is accused of acting maliciously and corruptly.”

“Parents have no legal right to stand in the court for the protection of their children when the children are being knowingly abused in state custody, even though their parental rights have not been terminated,” Gaston claims.

Betty Asplin of Laurel, Montana, who was the eyewitness in the Hasson case, counsels people in these types of situations. “This is allowed to go on because people don’t know their rights, if they understood the lab this would be over, it wouldn’t happen ... people see the law at their door and they assume they have to abide by whatever the officer says — but they don’t.”

“This is a child stealing business,” Asplin told WorldNetDaily. “They don’t keep families together, they pull them apart.” © 1999

How do you stop violent crime? What about increasing rates of illiteracy, drug and sexual abuse, homelessness and suicide? For governments, the initial societal fix was to spend millions on “experts” who claimed to have the answers to these problems. But when the problems worsened, the experts said they needed billions, not millions. And when the problems continued to worsen, the experts said they needed more billions.

Today, according to these experts, we are facing a truly alarming epidemic that is going to strike one out of every two people – half the population. It is, they say, the cause of society’s problems. And it is going to cost even more billions to resolve.

But wait a minute. This epidemic has apparently been escalating since day one. After World War II, these same experts estimated the epidemic affected only one in 10; less than a decade later, they stated that one out of every three people were suffering; and today, they state that every other person is going to suffer the consequences of it. Why is it then, that literarily billions of dollars in government funding for research have failed to halt the epidemic? It just keeps rolling remorselessly along, spreading further and wider, in spite of the money, in spite of the research.

Could it be that these estimates aren’t true? Could it be that they represent nothing less than a camouflaged funding push to not only scare the government into keeping its faucet open, but to open it even wider? It is a possibility worth examining. And one we examine in these pages.

The epidemic so alarmingly reported on is mental illness.

This is fraud.

In legal terms, fraud involves intentional deception or deliberate misrepresentation to secure money, rights, property or privilege. In general terms, fraud is understood to mean dishonest dealings, cheating or trickery, most often involving money. Logically then, if the statistics are false, the perpetrators are guilty of committing fraud to the tune of billions.

The obvious question of course, is how could such a massive fraud be conducted without detection? The answer is simple. Psychiatry and psychology actively sought and were given a monopoly over mental health care by governments all around the world. They asserted themselves as the “experts” and as nobody else sought responsibility for the troubled and insane, it was with some relief that the problem was handed over to them.

Unfortunately however, they were given the monopoly without accountability.

If indeed the mental health situation is becoming worse, it must be due to their failure to effectively resolve the problem. At the very least, they have proven themselves to be technically incompetent. Furthermore, if they are knowingly incompetent yet claiming to be efficiently handling the problem, then by definition, they are guilty of fraudulent conduct.

Charges of fraud are not new to psychiatry.

Unsubstantiated claims of special inner knowledge of the mind and behavior, of being able to cure the disturbed individual, of the denial of the harm inherent in their various treatments — such things in any other field would lend themselves to accusations of quackery. But psychiatrists have managed to fend off such charges over the past decades by claiming they are based on uneducated opinion. Some acts of deception, however, are not so easily defended.

Which brings us to the core function of this article. In this article, we examine psychiatry and psychology from the point of view of fraud, covering their scientific standing, claims and tools, their statistics and their results. And we show another little-recognized aspect of all fraud in which psychiatry and psychology have both excelled.

Fraud encompasses the taking of something for the giving of nothing.

Our intention is to provide here the necessary markers to enable those in positions of power and trust, including politicians, legislators, doctors, educators, law enforcement agents, health insurers and businessmen, to see for themselves that what is happening amounts to nothing less than extortion, and that it is being perpetrated the world over in the name of mental healing. With enough independent individuals and groups who have the power and determination to improve societal well-being seeing this for themselves — and willing to take the necessary action — lives will be saved, money will be saved, and the world will be saner than it has been for more than 50 years.

Jan Eastgate, International President, Citizens Commission on Human Rights
Through CCHR’s work:
Thousands of victims have been rescued from
involuntary commitment and other coercive
psychiatric practices. Hundreds of victims have been
compensated tens of millions of dollars for the
mental and physical damage they have suffered in
psychiatric hands. Legislation has been enacted to
ensure that psychiatric rape of patients is dealt
with as a criminal offense.

CASE REPORTS

Whatever their claims, psychiatrists create unhappiness.
Read personal stories of abuse and degradation suffered
at the hands of psychiatrists and psychologists.

CHILD DEATHS

While psychiatrists proclaim psychoactive drugs safe and
effective for children, many parents know from tragic
personal experience that this is false.

SHAINA DUNKLE — 1991-2001
Vicki Dunkle’s daughter Shaina’s life
had been filled with dance classes,
Girl Scouts, piano lessons and
softball games. But in 1999, when
Shaina was in second grade,
teachers said she was “too active”
and “talked out of turn.” Without
diagnostic tests or physical exams,
a psychiatrist concluded she
suffered from ADHD and prescribed
a psychiatric drug. On February 26,
2001, Shaina suffered a seizure in the doctor’s office. Her
mother rushed to hold her in her arms, where, minutes
later, she died. “Shaina looked into my eyes as her life
ended and I could do nothing to save her. It’s been two
years and I relive those last few minutes every day. Believe
me, it is a nightmare no parent should ever have to live
with,” Mrs. Dunkle said. An autopsy revealed that Shaina
had died from toxic levels of the prescribed psychiatric
drug.

SAMUEL GROSSMAN — 1973-1986
In 1986, Samuel Grossman, 13, died
after being prescribed a stimulant for
“over-activity.” The autopsy revealed an
enlarged heart caused by the
psychiatric drug. According to the
boy’s mother, “Giving this drug to a
child is like playing Russian roulette.
No one knows which child will get the
brain damage and/or those who will
die. I played the game and I lost.”

MATTHEW SMITH — 1986-2000
At age 7, Matthew Smith was diagnosed with ADHD. His
parents were told he needed to take a
stimulant to help him focus and that
non-compliance could bring criminal
charges for neglecting their son’s
educational and emotional needs. “My
wife and I were scared of the possibility
of losing our children if we didn’t
comply,” says Matthew’s father,
Lawrence. The parents acceded to the
pressure after being told that there was
nothing wrong with the “medication.”
But on March 21, 2000, while
skateboarding, Matthew suffered a
heart attack and died. The coroner determined that
Matthew’s heart showed clear signs of the small blood
vessel damage that is caused by stimulant drugs like
amphetamine and concluded that Matthew died from
long-term use of the prescribed ADHD stimulant. “I cannot
go back and change things for us at this point. However, I
hope to God my story and information will reach the
hearts and minds of many families, so they can make an
educated decision,” Mr. Smith said.

STEPHANIE HALL — 1984-1996
Stephanie Hall was a shy first grader in
Ohio who loved books and school. After
her teacher reported that Stephanie had
a hard time “staying on task,” a doctor
diagnosed Attention Deficit Disorder and
prescribed a stimulant. Over the next five
years, Stephanie complained of
stomachaches and nausea and displayed
mood swings and bizarre behavior. On
January 5, 1996, at age 11, Stephanie died
in her sleep from cardiac arrhythmia. Mrs.
Hall remembers the last words exchanged with her
daughter: “I said, ‘It’s 9 o’clock Steph, get to bed,’ and she
replied ‘OK Mom, I love you.’” The next morning when her
father went to wake her for school, she didn’t respond.
“We called paramedics and the police...Stephanie was so
cold. I kept saying to them, ‘She is supposed to bury me,
not me bury her’....”

RESTRAINT DEATHS AND ABUSE,
INVolUNTARY COMMITMENT ABUSE VICTIMS

BIG BUSINESS
AT THE EXPENSE
OF PEOPLE’S LIVES
PSYCHIATRIC GUESSWORK

In his book *A Dose of Sanity*, the late neurologist and psychiatrist Sydney Walker III wrote of the dangers of the Diagnostic and Statistical Manual of Mental Disorders, citing cases such as these:

John, a successful and happy family man, began experiencing fatigue and sadness. Two psychiatrists saddled him with a variety of DSM labels and treated him with 26 different drugs without ever conducting a single neurological examination. When a qualified medical doctor finally conducted a thorough diagnostic evaluation, he discovered that John had a brain tumor. Once removed, his “emotional” problems and tiredness rapidly vanished.

Lilian, a 46-year-old normally athletic woman, felt sad and weary. A psychiatrist prescribed an antidepressant. “After all, Lilian had enough symptoms to be lumped into the DSM category of ‘depression’—and that was all he needed to know.” However, in the final analysis, “the simplicity was that her husband’s chronic snoring had been waking her up every five to ten minutes during the night—she was suffering from a severe case of sleep deprivation.”

Another example is Austin, who was hailed as “the poster child for Attention Deficit Hyperactivity Disorder.” He had been kicked out of 11 preschools in three years for doing everything from shouting obscenities and hitting other children to poking a teacher in the eye with a pencil. He was prescribed stimulants. But after a blockage was removed from his colon, he suddenly stopped terrorizing his teachers and classmates. Austin, who is now nine, was able to sit quietly and was a joy to be around. He gave up his teachers and classmates. Austin, who is now nine, was able to sit quietly and was a joy to be around. He gave up his

Dr. Walker concluded, “It’s important to remember...that a number of DSM-oriented psychiatrists have, to a large degree, abandoned the science of differential diagnosis, and thus consider most psychiatric illnesses ‘incurable.’ This leaves them with only two weapons: psychotherapy and drugs. It’s not surprising that they’re among the first to leap on each new drug bandwagon; like long-ago doctors who recommended bleeding for every ailment, they have little else to offer....”

ABUSES IN INSTITUTIONS

With billions in government appropriations allocated for mental health treatment, just how safe and effective are psychiatric institutions? The following cases illustrate the dangers of a system that lacks scientific understanding of causes of mental health problems, with subsequent lack of workable remedies and the terrible consequences of this.

On April 12, 1991, 14-year-old Jeramy Harrel was with his grandmother when a patrol car pulled up beside them, and two hulking uniformed men who appeared to be police officers announced that they were taking Jeramy to Colonial Hills Psychiatric Hospital. They said that psychiatrist Dr. Mark Bowlan and a child welfare agent—who had never spoken with Jeramy or his parents—had filled in an application for the boy’s detention, claiming he was a “substance abuser” and that his grandparents had physically abused him. The psychiatrist also stated that Jeramy was “truant from school, failing grades, violent [and] aggressive,” and was “likely to cause serious harm to self.” It took the efforts of Texas State Senator Frank Tejeda to finally obtain Jeramy’s release from the hospital after he had discovered the boy’s admission was based on the unsubstantiated and untrue comments made by Jeramy’s 12-year-old brother, Jason. The family’s health insurance was billed $11,000 for this fraudulent “admission” and “treatment.”

In 2001, a psychiatric nurse found a 53-year-old man unresponsive 12 hours after he had been medicated for “hostile, cursing behavior.” The man died within hours. An autopsy revealed that he suffered from multiple sclerosis (MS). Hospital staff thought “MS” on his admission form meant “mental status.”

Carl McCloskey says his son, John, 19, was sodomized with a broom-like handle so savagely in a psychiatric hospital that his bowel was torn and his liver was punctured. The teenager became violently ill, lapsed into a coma, and died 14 months later.

Seventeen-year-old Kelly Stafford agreed to enter a psychiatric facility expecting a brief respite from troubled family relationships. But once the door was closed, she was kept for 309 days, many of them behind blackened windows in cruel darkness. Her arms and legs were strapped for months at a time. Others in the facility were forced to sit motionless and silent for 12-hour stretches. “I had to eat Thanksgiving and Christmas dinner in restraints,” Ms. Stafford said. “There’s not a day that goes by that you don’t think about it.”

In 2003, Dr. Masami Houki, head of Houki psychiatric clinic in Japan, was charged with manslaughter after he plugged the mouth of a 31-year-old female patient with tissue, put adhesive tape over her mouth, injected her with a tranquilizer, tied her hands and feet, and forced her to lay on the back seat of a car while being transferred to the clinic. She was dead on arrival.

In Athens, Greece, the Ntaou Pendeli psychiatric institution kept children in a ward with mentally handicapped adults. Some of the children were naked; all were housed in cold, barren rooms and often left to lie in their own feces and urine. A teenager had been locked up for 10 years after he misbehaved when his father left his mother for another woman. He witnessed horrors such as the rape of other children by psychiatric nurses.
RESTRANT DEATHS AND ABUSE

Psychiatrists persist in inflicting psychosurgery and electroshock on patients even though no valid medical or scientific justification exists for these practices. After more than 60 years, psychiatrists can neither explain how they are supposed to work nor justify their extensive damage. When Jennifer Martin’s 70-year-old mother experienced headaches and nausea and stopped eating and talking, a psychiatrist claimed she was in shock from recent deaths in her family and gave her ECT. Less than 24 hours later she was dead. An autopsy revealed that the problem was not depression, but a brain stem complication. “Shock treatment killed her,” Ms. Martin said.

A grieving husband says a psychiatrist recommended electroshock because it would release a chemical in the brain that would make his wife, Dorothy, feel better. Aware of her earlier heart attacks, he administered 38 electroshocks. The last one killed her.

In 2001, the New Zealand government was forced to formally apologize and pay $6.5 million to 95 former patients of the Lake Alice Child and Adolescent Psychiatric Unit for torture and abuse they suffered at the directions of psychiatrist Selwyn Leeks in the 1970s. ECT had been applied to victims’ legs, arms and genitals without anesthetic.

At 28, Gwen Whitty was a wife and mother of two with another on the way. When she developed difficulty breathing, psychiatrist Harry Bailey recommended “deep sleep therapy” for a “rest” — which turned out to involve heavy doses of barbiturates and sedatives while shackled naked to a bed, kept unconscious for two to three weeks, and given repeated electroshock. Ten years later, a doctor discovered two jagged steel plates in her head, attached to the bone by Bailey to cover holes in her skull.

In 1998, 16-year-old Tristan Sovern was held face down by at least two mental health assistants with his arms crossed under his body. When he screamed, “You’re choking me... I can’t breathe,” staff at the U.S. psychiatric facility shoved a large towel over his mouth and tied a bed sheet around his head. Tristan died of asphyxiation. In 1998, psychiatric staff forced 13-year-old Stephanie Jobin of Canada to lie face down on the floor and placed a beanbag chair on top of her. A female staff member sat on the chair to pin her down while another staff member held her feet, after she had already been dosed with five different psychiatric drugs. After 20 minutes of struggling, Stephanie stopped breathing and later died. Her death was ruled an accident.

The night before 15-year-old Edith Campos was sent to Desert Hills psychiatric hospital in Tucson, Arizona, she made colorful computer drawings for her family. If her mother missed her, all she needed to do was look at the picture and think of her daughter and that she would soon be home. Two weeks later, Edith came home in a coffin. During the time she was hospitalized, her parents were not allowed to speak to her. On February 4, 1998, Edith apparently died of asphyxiation, her chest compressed when she was held to the ground for at least 10 minutes after reportedly raising her fist during a confrontation with staff members.

On August 18, 1997, 16-year-old Roshelle Clayborne died during restraint at a psychiatric facility in San Antonio, Texas. Roshelle was slammed face down on the floor, her arms yanked across her chest, her wrists gripped from behind by a mental health aide. “I can’t breathe,” she gasped. Her last words were ignored. A syringe delivered 50 milligrams of Thorazine into her body and with eight staffers watching, Roshelle became suddenly still. Blood trickled from the corner of her mouth as she lost control of her bodily functions. Her limp body was rolled into a blanket and dumped in an 8-by 10-foot room. There she lay in her own waste and vomit for five minutes before anyone noticed she hadn’t moved. By the time a registered nurse arrived and began CPR, it was too late. Roshelle never revived.

In Denmark in 2002, a patient who was punished by being put into restraints was compensated in a damages suit against the treating psychiatrist. This was the first time ever that compensation was awarded to a patient harmed by the restraint procedure.

INVOLUNTARY COMMITMENT

How easy is it to be committed? Very easy. In the United States alone, a person is involuntarily incarcerated in a psychiatric facility every 1 minute. How therapeutic is involuntary incarceration? Consider the following examples of committal abuse.
A psychiatrist committed Ruchla “Rose” Zinger, a 64-year-old Holocaust survivor with an understandable history of mental instability, to an institution. He relied solely on reports by family members. To carry out the involuntary commitment, police broke down the door to her house, handcuffed her and shoved her down the stairs. She suffered a heart attack and died.

In 1999, psychiatrists in Germany involuntarily committed a 79-year-old woman because neighbors reported she had acted “strangely.” Despite her long-term diabetes and liver, kidney and heart conditions, she was prescribed between five and 20 times the normal dosage of powerful tranquilizers. Six days later the woman had to be rushed to a hospital emergency room, where she died.

Doctors reported she had needed urgent medical attention at least a day earlier and the autopsy showed that she died of breathing difficulties—a complication of tranquilizers.

An 8-year-old boy from Massachusetts, who suffered from epilepsy, was rushed by his parents to a hospital for a medication adjustment after he experienced hallucinations. Instead of adjusting his medication, staff committed him to a psychiatric facility. It took the frantic parents an entire day to secure his transfer to a medical hospital for appropriate care.

Dana Davis was slammed face down on his living room floor and handcuffed by police before his horrified wife and six-year-old son. This occurred after he walked out of the office of a psychiatrist he didn't like. As he was leaving, she asked, “Can you promise that you will not commit suicide between now and your next meeting?” Jokingly he quipped, “I’m no soothsayer!” Thirty minutes later, the three police officers were taking him to the hospital where he was found not suicidal and was released.

Seventy-four-year-old William, suffering congestive heart failure and reliant on an oxygen tank to breathe, said “Yes” when his homecare nurse asked if he felt depressed. Within 30 minutes, an attendant from a local psychiatric hospital arrived at his home and when William refused to go with him, called the police. They arrived, unhooked the oxygen tank, searched him for weapons, shoved him into a police car and drove him to the psychiatric facility. With no examination, William was admitted as “suicidal,” and held for 72 hours involuntarily, for “observation.” The next day a psychiatrist said he needed to be detained another 48 hours and possibly as long as six months. William was “saved” only by the onset of a heart attack. He was transferred to a general hospital where a medical doctor determined that William had no need for psychiatric confinement. William’s health insurance was billed $4,000 for four days in the psychiatric facility (even though he had only been there two days and not by choice), and he was billed $800 personally.

**PARENTS SPEAK OUT**

**THE MISDIAGNOSING OF MICHAEL**

School psychologists and psychiatrists coerced New York mother, Patricia Weathers, into drugging her 10-year-old son, Michael, after he was diagnosed with “ADHD.” Within six months, he was withdrawn, stopped socializing with children, started chewing pencils, lost his appetite and couldn’t sleep properly. He ran away from home.

Recognizing that Michael’s bizarre behavior began with the prescribed drugs, Mrs. Weathers withdrew him slowly off the drugs. Medical tests determined he had untreated allergies and anemia. Michael is now drug-free, is receiving tutoring and is doing well at his schoolwork.

“I want to thank my son Michael for surviving his ordeal. I want to let him know that I love him dearly and believe in him and in his capabilities. I believe deeply that everything happens for a reason and that out of this ordeal, he and I both have become a stronger unit,” Mrs. Weathers said. “I would like to thank CCHR. Without your continued support I would not have been able to get my story out in the open.”

**THE UNDERLYING PROBLEM**

A young California mother had to fight to get her pre-school son a referral to an ear, nose and throat specialist when she suspected he had a hearing problem. The school nurse referred him instead to a psychologist, who labeled him as having “ADD” and needing a stimulant. The mother fought for four months to get the referral she wanted; eventually the specialist discovered the boy had a chronic case of fluid buildup and 35-decibel hearing loss as a result. Within a month the boy was in the hospital: a 15 minute surgery prevented what could have been a childhood spent on psychiatric drugs.

“I’M SMART ON MY OWN, MOM”

Another mother was called into the school principal’s office where a psychologist explained that her son’s brain had an inability to send signals correctly, which was why he couldn’t concentrate for long periods of time. Tim was put on a psychiatric stimulant. He began to lose his appetite, have headaches, tire easily and it seemed impossible for him to sleep at night. Tim pleaded that he didn’t want to depend on a pill to make him concentrate and said, “I’m smart on my own, Mom.” On the advice of a friend, the mother took her son to a doctor who uses alternative medicine. He took Tim off the drugs, and began giving him nutrients and vitamins. He found him allergic to certain foods. With this corrected, Tim began to eat again and could fall asleep naturally.
It was also discovered that since starting school, Tim had been taught using the “Whole Word” method and, as such, didn’t understand what he had been reading in class. His mother purchased a “phonics game” for him. She taught him grammar. Within a few months, his reading level increased from second to sixth grade level.

NEW ZEALAND MOM

A New Zealand mother read CCHR’s booklet, Psychiatry: Betraying and Drugging Children. She said, “I read this publication accidentally over two years ago; it had a major effect on our lives. At the time my son had been diagnosed as having ADHD and was on the drug, Ritalin, during the day and a night medication to help him sleep....After reading your publication I was horrified; what was I doing to my son? I then rang my son’s specialist to find out what he thought. He was patronizing, derogatory and arrogant. Our conversation ended unpleasantly. I removed my son from all medications, we flushed everything down the toilet, and we have been trying alternative methods…my son is [now] receiving principal awards for increased work out-put and attitude....I would be more than happy for you to share this positive result (drug free) with other parents who may be unsure....Thank you so much for your life-changing publication....”

“THANK YOU!”

An American mother said that she and her 14-year-old son had “gone through hell for years” because he had been diagnosed as having ADD and “bipolar” (ups and downs) disorder. The boy became suddenly violent after several days of being on a psychiatric drug and when the mother complained that she thought it was drug related, she was told this couldn’t happen and the boy, himself, had made a decision to go off on a temper tantrum. “I am thoroughly disgusted with everything we have been through and the Chief of Police brought me your literature yesterday and I was amazed to find out so much information. THANK YOU!!!! From the bottom of our hearts. We are now going to try a different approach to see if we don’t have an allergy or vitamin deficiency. Again, thank you.”

ALLERGIES & SCHOOL FAILURE

At 15, Betsy was depressed and suicidal each year in the late summer when ragweed pollen was in the air in northern Michigan. During her first visit to Dr. Doris Rapp’s clinic she appeared normal until she was tested for an allergy to ragweed. Then she crawled into the office bathtub and refused to come out. She screamed, was untouchable, and complained of so much abdominal pain that she pulled her knees to her chest and held her stomach. After she was given a neutralizing allergy treatment, she felt entirely normal within a few minutes. Betsy was a persistent school failure until her allergies were recognized and treated, and her academic work and demeanor in school improved dramatically.

SUGAR JUNKIE

Karl was a darling 3-year-old youngster with a charming personality—until he ate sugar. His mother noticed that when Karl ate party food or candy, his total personality quickly and dramatically changed. He was videotaped as he gleefully devoured eight cubes of sugar. Just as the mother had predicted, within less than an hour he switched from Dr. Jekyll to a Mr. Hyde. At first he stopped playing quietly and began to whine. Then he became more irritable, stomped his feet, wiggled in his chair, tossed his toys over his head, and threw pieces of a puzzle at his mother. When he was given the correct allergy treatment, within a few minutes he was transformed back into his adorable self. His mother was in tears. She realized she was not a bad mother and he was not a bad kid. Parents are now refusing to be intimidated by psychiatric coercion to drug their children.

DIABETES & BEHAVIOR

Dana was diagnosed as having hyperactivity and oppositional defiant disorder because of bad moods, tantrums and aggressive behavior. She was always in the principal’s office, usually for starting fights. However, she was also thin, pale, fragile-looking, not sleeping, wetting the bed and losing her appetite. Something was making her feel miserable. That something turned out to be the beginning phases of diabetes. An endocrinologist taught her family how to control Dana’s diet and manage her disease; she never needed a psychiatrist.
Warren was diagnosed as hyperactive. He was impulsive, restless and inattentive. He also had breathing problems, episodes of partial hearing loss during ear infections and a heart murmur. Originally, at school he had good report cards and was never in trouble with the teachers. Then he started getting into squabbles and scrapes with kids who used to be his good friends. He was prescribed a psychotropic drug for his “hyperactivity.”

A proper medical evaluation discovered Warren was color-blind, his EEG showed abnormal but non specific brain wave patterns and a carbon monoxide assay revealed a blood saturation of this deadly gas at the dangerous 20% level. Carbon monoxide was displacing the oxygen in Warren’s bloodstream, drastically reducing the supply of oxygen to his brain. His fidgeting, falling academic performance and purposeless hyper behavior were all symptoms of low-level carbon monoxide poisoning. Warren’s parents immediately called the gas company and had their heating system overhauled. Within 3 weeks, his carbon monoxide level had dropped to 3%. Within 6 months, his EEG was normal and his color-blindness was resolved. He improved at school.

These are valuable examples for at least two reasons. To begin, they inspire and validate the concept that the parent can know best and can rightfully take control of the situation, ideas all too easily lost in what is most often a David and Goliath struggle for parents and families. Secondly, they help strip away the lies and restore hope, with the simple idea that there are inexpensive, non-invasive and productive alternatives to the expensive, enforced and unworkable labeling, drugging and other “solutions” of psychiatry.

**HOW TO REPORT ABUSES**

If you have been subjected to or are aware of abuse, sexual assault, crime or malpractice committed by a psychiatrist, psychologist or other mental health practitioner, CCHR is a group willing to listen to and help you.

Vulnerable people who have sought help from psychiatrists and psychologists have been falsely diagnosed and forced to undergo unwanted and often harmful psychiatric methods. Hundreds have died. CCHR is investigating these and other psychiatric abuses. We can assist you with your evidence and reports of criminal psychiatric practice.


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**Mentally ill U S children held in detention centres**

08/07/2004. ABC News Online

Thousands of mentally ill American children, some as young as seven, are locked up in juvenile detention centres because there is nowhere else for them to go, a US congressional report has found.

The report painted a disturbing picture of children with mental illness and/or substance abuse warehoused in jail-like conditions where their mental health often deteriorates.

More than 160 of the 524 centres surveyed reported suicide attempts by youths held unnecessarily.

“The last place some of these kids need to be is in detention,” the study quoted a Tennessee juvenile centre administrator as saying.

“Those with depression are locked up alone to contemplate suicide.”

The House-Senate bipartisan report was initiated by Maine Republican Senator Susan Collins and California Democrat Republican Henry Waxman.

It was the subject of a hearing on Wednesday by the Senate Committee on Government Affairs, which Senator Collins chairs.

Many families struggle to afford mental health care. Health insurers often provide little or no mental health coverage, or pay so little doctors do not want to take part in the health plans.

Community clinics are stretched and cannot meet demand.

The study found that 33 states hold youths who have no charges against them of any kind in juvenile detention centres.

On any given day, about 2,000 such young people are incarcerated, and over six months, the number is 15,000.

“Too often (children) are simply left to languish in juvenile detention centres which are ill-equipped to meet their needs while they wait for scarce mental health services,” Senator Collins added.

—Reuters
The woman who seized my husband’s then 6 yr old daughter from their yard, named SHIRLEY BÆZ, was arrested a few months later in August 1996 in Guadalajara for black market child selling, and was brought back to the states and protected by the courts. No one would bring charges against her, and still won’t, even with a lot more now known to be part of their network here.

The courts in Oregon are still protecting this market in child flesh being operated out of the child services agency. The perpetrators in our case were found guilty in 1998, yet remain unprosecuted. These names also are on the Operation Ore international list of pedophiles and black market child sellers, KAY TORAN in Oregon being found guilty of this along with a whole network in the Marion County and Woodburn offices of child services here.... the FBI, the US Attorneys, all executive branch officers and courts are fully knowing of this since 1998.... still no prosecution, only active protection for pornographers and pedophiles in the courts so far....

Until the outrage becomes such that the people demand redress and prosecution, they will continue in their lucrative market in child flesh and ultimately body parts, working all sides for the profit. We proved that even with a jury verdict they are guilty, no prosecution happens.

We are doing all we can to be as loud as we can that this is happening. Every day THOUSANDS of children go “missing” in the United States, the state operating this market under the guise of “child protection” seizing children who are never again seen by their families.

In Oregon there are NO ANSWERS at any level, total corruption all the way through.... the court and agency won’t even admit the children are missing, murdered, seized without lawful process. No answers. No accountability anywhere.

pamela gaston
www.avoiceforchildren.com

LAREDO — A day after two young mothers gave tearful testimony, a woman accused in a baby-buying case decided in court today not to contest the charges against her.

Maria Dolores Bondoc, 54, who was the representative here for AAA-Adoption Agency, of San Antonio, was on trial on one count of sale or purchase of a child and one count unlawful transfer, both stemming from claims of a 22-year-old woman from a southern state in Mexico. Bondoc had similar charges pending involving three other young mothers from Mexico who came to the border to give up their babies. She had long maintained her innocence, but recent testimony caused at least three of the jury members to shed tears, an obvious score by Webb County prosecutors in a case that initially caught international headlines.

At the beginning of court today, Bondoc immediately went into conference with her family, defense attorney and prosecutors. When she came back in the courtroom, Bondoc’s emotions appeared publicly for the first time. She wiped tears from her eyes with a red handkerchief and, at times, glared at three young mothers sitting together in the front row of the courtroom.

Bondoc agreed to an eight-year sentence for all charges held against her, without the chance to appeal. She will be eligible for parole in two years.

Defense attorney David Almaraz asked 341st District Court Judge Elma T. Salinas Ender if his client could remain free until formal sentencing later this month to attend to some family matters. It was not granted.

Then, after each charge was addressed, Almaraz asked again.

“Would the court consider at least two days?” he asked.

“No, sir,” Judge Ender said.

Bondoc worked for Alamo for five years and at least 10 years at a different agency here, family said.

A Department of Protective and Regulatory Services supervisor testified Wednesday that they continue to try to revoke Alamo’s license. Alamo previously appealed the case against it, and a decision remains open pending a decision by the State Office of Administrative Hearings.

jbogan@express-news.net
Agency blasted in abuse probe

**A state attorney blasts officials at Florida’s child welfare agency for their ‘reckless mishandling’ of a child abuse investigation that tore apart a father and two children.**

Posted on Fri, Apr. 23, 2004

BY CAROL MARBIN MILLER

In a blistering letter to the head of Florida’s child welfare agency, the state attorney in Fort Pierce has accused Department of Children & Families caseworkers of “coaching” two children to falsely accuse their father of sexual abuse — allegations that robbed the man of custody for several years.

State Attorney Bruce H. Colton blasts the agency for causing a father who may be innocent to lose his children, while an alcoholic, drug-addicted and neglectful mother was allowed to raise them.‘

Although DCF employees are not technically guilty of committing a crime in this case, it is evident that these children have no chance to be ‘normal’ due to the reckless mishandling of this family,’’ Colton wrote in the March 29 letter to DCF Secretary Jerry Regier. ‘‘If the children are telling the truth in their latest statements, the children have been sent on a six-year roller coaster ride of reckless indifference by DCF from which they will probably never recover.’

Colton’s letter concerns an ongoing dispute between DCF investigators, caseworkers and attorneys in several Central and North Florida counties and Dennis Gaffney, the father of boys ages 16 and 10. DCF’s actions in the case now are under investigation by the agency’s Inspector General’s Office in Tallahassee.

‘‘I feel very strongly about ensuring integrity and accountability in our district offices,’’ Regier wrote in a March 17 letter to Colton, asking the chief prosecutor to outline his concerns over DCF’s handling of the case.

Gaffney said he was heartened by Colton’s remarks, which serve as a kind of vindication. Since 1997, Gaffney has lived under a cloud of suspicion that he molested his own son, as well as the teenage daughter of his ex-wife’s friend. ‘‘It comes down to this: ‘Oops, we made a mistake,’ ‘’ Gaffney said. ‘‘It is obvious DCF is not capable of policing themselves.’’

Okeechobee sheriff’s Capt. Dale LaFlam, who investigated the case, said he has concluded Gaffney ‘‘has not done what he is accused of doing.’’

In surprisingly harsh language, Colton suggested agency employees made a series of decisions over several years that left the two boys at great risk.

During most of the past seven years, DCF caseworkers went to great lengths to leave the two boys with their mother, Colton wrote, despite:

- An internal agency report that concluded “the mother may not be a stable parent.” One report concluded the mother’s alcohol and drug abuse “may present a substantial barrier to her achieving effective parenting skills.”

- Reports from officials at a halfway house in which DCF placed the mother and two boys said that they “suspected that she leaves the premises to drink,” does not require the boys to attend school, has allowed her car to be repossessed and is not allowed to visit her own mother due to a domestic violence injunction.

- A sworn statement from a doctor who said the mother “brings [the] children to his office with alcohol on her breath.” At a January 2001 court hearing, DCF officials blocked the introduction into evidence of a videotaped statement by the mother who said “that DCF employees asked her to lie in order to obtain an injunction of protection against Gaffney,” Colton wrote.‘’

DCF first took the children away from the father based on an inadequate investigation,’’ Colton wrote. ‘‘Then, DCF gave custody to the mother who had past criminal convictions, abused alcohol and controlled substances, and committed new crimes while having custody of the children.” Is it any wonder that the children are rebellious and uncontrollable at the present time,’’ Colton added.

http://www.miami.com/mld/miamiherald/8497613.htm?template=contentModules/printstory.jsp
By last February, Donna McCormick hadn’t smoked crack in 30 days. And she had a roof over her head.

But stability wasn’t a sure thing. McCormick was still grieving for her father who’d died in January. Then, the father of her 9-year-old twins dropped them off at her mother’s house where McCormick lived, telling her to keep them, even though the lease prohibited children.

Not knowing what to do with the children, McCormick called Allegheny County’s Office of Children Youth and Families. Two caseworkers showed up two hours later. Instead of removing the kids, they offered McCormick something unexpected, a program unique in Pennsylvania called Family Group Decision Making.

It flips traditional social work upside down. Instead of caseworkers telling parents what to do to resolve their problems, this program helps families devise their own solutions.

Family Group Decision Making workers organize a meeting of family members — grandparents, aunts, uncles, cousins — anyone whom the parent invites. They meet over a meal to discuss how to solve the parents’ problems, protect the children and prevent foster care placement. The family writes a plan, and caseworkers assist in its implementation.

For McCormick, the plan was for her to get all of her children back, three teens in addition to the twins, to get housing of her own, to faithfully attend her outpatient drug treatment program and stay clean. Later, she decided she needed a job and training to get a better job, too.

She accomplished all of that and more within a few months, and her case was closed.

McCormick told her story during a presentation before state Welfare Secretary Estelle Richman, who visited seven social welfare programs yesterday at the request of State Rep. Jake Wheatley, D-Hill District.

Marcia Sturdivant, CYF’s deputy director, said Family Group Decision Making puts power in the hands of the families — a concept not easily grasped by traditionally educated social workers.

After hearing details of the program, which is run by the Macedonia Baptist Church in the Hill District, Richman said she was impressed.

Richman said she was struck that McCormick felt the program treated her with dignity. Richman said workers in the state’s new welfare program called Temporary Assistance for Needy Families contend they’re respectful. “But few people who go through say that,” she noted.

Sturdivant, who brought the Family Group Decision Making to Allegheny County two years ago after reading about it, told Richman it’s hard for social workers to relinquish the power to tell people what to do. It took training.

“It is not very easy to get people to think this way,” she said. “Even judges said, ‘What do you mean, let families make their own plans? Are they capable?’ “

As it turns out, families seem to be very capable. A negligible number of children in the program have been injured or placed in foster care, she said. The program at Macedonia has served 102 families, including 218 children in the past two years. Another in McKeesport, called Touching Families Inc., serves families in the Mon Valley.

Family Group Decision Making is offered in about 20 states. It originated in New Zealand and Australia and was introduced in the United States in the late 1990s.

McCormick, 33, lives in her own apartment on the North Side, has all of her children back, and is caring for a niece as well.

The family meeting over dinner, without caseworkers, was important, McCormick said, because family members will tell it like it is. As she said,

“Your family will call you on your stuff.”

Barbara White Stack can be reached at bwhitestack@post-gazette.com or 412-263-1878.
A Congressional Inquiry was held March 13, 2004 in San Bernardino, California to hear testimony and receive evidence of what many parents, grandparents, and advocacy organizations describe as “a festering cauldron of fraud, corruption, abuse of power and exploitation of children.”

During 8 hours of testimony, impassioned tales of rampant abuses of power, denial of due process protections, violations of civil rights, and accusations of blatant defrauding of the American taxpayer were evidenced by documentation, video, and prepared statements heard by the committee. Testimony included documentation of schemes designed to provide financial gain for states, counties and service providers in the form of agency mandates to “maximize the federal funding stream” by placing children needlessly in foster care. This is in reference to financial incentives provided to child welfare agencies drawn from an already abused social security fund.

The testimony continued unabated as parents and extended family members presented the committee with documentation of violations of state and federal statutes, denial of civil rights, and predation upon vulnerable children and families by child welfare workers who regularly exceed their authority with impunity.

Evidence presented during testimony before the Congressional Inquiry held in San Bernardino, lead to promise of official investigations into systematic fraud, “color of law” civil rights violations, and abuse of power by child welfare agencies.
Every day across America, citizens of the United States log onto the internet and inquire whether there might be child molesters and other kinds of sex offenders living somewhere in their neighborhood. Yet, the State of Michigan has made sure that David and Hege Crowton’s children get to live with one.

After taking away David & Hege’s children with a false petition and keeping them away because he admitted to needing help with drug use and because of the State’s failure to provide the services required for them to have their children returned, the State of Michigan refused to remove their children (including their 5 year old girl) from a home where the children would cohabit with a child molester. The biological son of the foster parents assigned to the Crowton children was convicted of Criminal Sexual Conduct (Second degree multiple) for doing something very sick to an innocent 5 year old girl. Sources say that the foster family had gone to court to acquire “grandparents rights” and force the visitation of their grand-daughter. They were granted under the condition that the child be under supervision. According to the police reports (which are public information available through the Livingston County courthouse), at least one visit resulted in the 15 year old biological son of the foster parents inviting the visiting 5 year old girl up to his room. There, he had his way with her while his parents and David’s children were in another room. For one reason or another the State of Michigan doesn’t believe he ever touched David’s children. They apparently also are putting a lot of stock into the idea that he never will.

Amazingly, the State of Michigan believes that the same child molester who sexually abused a 5 year old girl who visited the home never once touched the 5 year old girl he lived with and babysat on numerous occasions—David’s daughter. They believe this in spite of the fact that a police report shows a “similar complaint” about sexual molestation coming from David’s 5 year old daughter. They have chosen to rely on “forensic interviews” by total strangers (rather than someone the child would trust) to determine he had not abused her.

Note: A Study of 630 cases of alleged sexual abuse of children from 1985 through 1989: Using a subset of 116 confirmed cases, findings indicated that 79 percent of the children of the study initially denied abuse or were tentative in disclosing. Of those who did disclose, approximately three-quarters disclosed accidentally. Source: Sorensen & Snow, 1991.

After the sexual abuse, sources say the foster family’s “grandparents rights” were terminated. It seems quite odd that the State of Michigan would end the Grandparents rights of this foster family partly because of their failure to protect this little girl but then approve the placement of David’s children in this same home. The Ombudsman, a state-appointed office set up to oversee the state’s Child Protective Services, reviewed this case and subsequently recommended a policy change forbidding this from occurring in the future. In spite of all this, steps are now being taken for this foster family to adopt these children. They refused to grant adoption to the children’s Norwegian grandparents who are available and waiting with open arms to adopt them. The adoption to the foster family is VERY close to being finalized. Their fate is to ultimately be decided by the same judge that allowed the placement of these children into this foster home, judge Elizabeth Pezzetti. Pezzetti was recently re-elected as a probate court Judge in Oakland County.

State Representative Tim Pope, who was on the Health and Human Services Committee in the state of Oklahoma and has vast experience in dealing with Child Protective Service laws, has investigated and reviewed the entire file. He found that State and Federal laws have been broken by the State of Michigan Child Protective Services (FIA). Click here to read one of the letters he wrote asking a Michigan State Representative for help. The following is a statement from Tim Pope about this case:

“I have gotten to know David and Hege Crowton pretty well and I am convinced that they have been dealt a very bad hand from the Child Welfare Agency (that title is a real joke). David and Hege have had their rights repeatedly violated and I hope that somehow justice can prevail and they can get things put back together. Unfortunately, to make these kind of people accountable for their actions you must get them in court and that takes a lot of money - money that they do not have. I served for a number of years on the Oklahoma Department of Human Services committee in our State House and I can promise you that, if something like this had happened here, heads would roll and the people who perpetrated this crime in the name of the state would probably be put in jail.” Tim Pope, Former Oklahoma State Representative

This is an OUTRAGE and must be stopped!

Read the evidence on this web site and voice your concerns with the Michigan Children’s Institute, Judge Elizabeth Pezzetti’s office at (248) 858-0240 and Governor Granholm at 517-373-3400. Pezzetti was recently re-elected as a probate court Judge in Oakland County and Granholm is the State’s new Governor.

Ask them to remove the children from this home and immediately put a stop to their adoption of them. Demand a full investigation into how the state could allow such a terrible thing to happen and let them know that you are watching the developments on this case. http://www.davidschildren.com/children.htm
Concerned about the education that Los Angeles County’s foster children receive at nonpublic schools, the Board of Supervisors today will consider forming a special panel to help improve student achievement.

The state spends $125 million a year to educate foster children in 400 nonpublic schools, most of which cater to youngsters with disabilities or special needs. Many of the nonpublic schools are operated by nonprofit foster family agencies and group homes that contract with the county to care for foster children. Others are operated by people who obtain licenses from the state.

The schools have captured the attention of Supervisor Michael D. Antonovich, who is concerned that some of the schools have no qualified teachers, no standard curriculum, no computers, no benchmarks or performance measures, no extracurricular activities and no record of the number of children who graduate or attend college.

“These schools are defrauding the children, their futures and the taxpayers who have invested large sums of money for the children’s welfare,” Antonovich said. “The system has turned a blind eye toward that.”

The county Department of Children and Family Services and the Children’s Law Center of Los Angeles will recommend today whether to create an Education Coordinating Council to provide additional oversight of the nonpublic schools.

Bruce Saltzer, executive director of the Association of Community Human Service Agencies, which represents 70 nonprofit foster care and community mental health agencies in the county, said most of the nonpublic schools provide “extremely high-quality” educations. He noted that some of the nonpublic schools the supervisors have criticized are not operated by agencies his association represents.

“Some of our agencies have been around for well over 100 years providing outstanding quality services to kids in the foster care system,” Saltzer said. Studies show 75 percent of foster children perform below their grade level, 83 percent are held back by the third grade and some can’t read. A total of 35 percent of foster children are in special education programs and 46 percent to 70 percent don’t complete high school, compared with 16 percent among nonfoster children.

“It’s not surprising that these troubled youth today will become tomorrow’s troubled adults,” said Miriam Aroni Krinsky, executive director of the Children’s Law Center. “As we’ve heard from the youth, stand-up teaching is the exception and the schools often become an exercise in glorified baby-sitting.”

David Sanders, the county’s new director of the Department of Children and Family Services, said contracts with the group homes that run many nonpublic schools will expire in April and the county is negotiating new standards that will require the agencies to improve children’s education.

“Too many children in foster care today have marginal academic achievement,” Sanders said. “We need to set higher standards.”

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Los Angeles County supervisors voted Tuesday to create a council to improve the education of foster children in taxpayer-paid nonpublic schools that serve youngsters with disabilities or special needs.

It costs $20,000 to $40,000 a year to educate a foster child in nonpublic schools, some of which are located in former motels and old storefronts in strip malls, said Supervisor Michael D. Antonovich, adding that some of the children could receive a better education in public schools.

“There has been a great scandal of some foster agencies taking money and using the children as pawns to make a buck and allow the children to remain in their care without the ability to learn,” Antonovich said.

The creation of an Education Coordination Council, composed of various public agencies and local school districts, will allow the agencies to work together to improve the education of foster children and those on probation, he said.

Some nonpublic schools are operated by nonprofit foster family agencies and group homes that contract with the county. Others are operated by people who obtain licenses from the state.

“We certainly support strong actions being taken when abuses are identified, and the provider community is anxious to work with the new Education Coordination Council,” said Bruce Saltzer, executive director of the Association of Community Human Service Agencies, which represents 70 nonprofit foster care and community mental health agencies in the county.

“However, we must not paint all nonpublic schools with the same broad brush. It does a disservice to nonpublic schools operated by ACHSA agencies, which provide the highest quality care and which want to work with the county to help weed out bad practices and poor-quality care.”

Studies have found that only two out of 100 foster children get a community college degree or go on to a four-year college.

Miriam Aroni Krinsky, executive director of the Children’s Law Center of Los Angeles, said foster children often fall behind in school when they are moved through multiple foster care placements.

“The tremendous consequences for these youth ... are undisputed,” Krinsky said. “In the first two years after aging out of foster care, too many will end up unemployed, living on the streets or in prison.”

If a child is identified as needing special education, the state pays 100 percent of the costs for nonpublic schools, said Tom Parrish, deputy director of education programs at the American Institutes for Research, a Washington, D.C.-based think tank commissioned by the California Legislature to study the costs of educating foster children.

“So we see a huge fiscal incentive to place foster kids outside of public schools in nonpublic schools,” Parrish said.

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Mourning the death of their brother in foster care, at the protest in Hollywood.
The drug industry has created vast markets for products like Viagra, Celebrex and Vioxx by spending billions of dollars on consumer advertising.

But to sell medicines that treat schizophrenia, the companies focus on a much smaller group of customers: state officials who oversee treatment for many people with serious mental illness. Those patients - in mental hospitals, at mental health clinics and on Medicaid - make states among the largest buyers of antipsychotic drugs.

For Big Pharma, success in the halls of government has required a different set of marketing tactics. Since the mid-1990’s, a group of drug companies, led by Johnson & Johnson, has campaigned to convince state officials that a new generation of drugs - with names like Risperdal, Zyprexa and Seroquel - is superior to older and much cheaper antipsychotics like Haldol. The campaign has led a dozen states to adopt guidelines for treating schizophrenia that make it hard for doctors to prescribe anything but the new drugs. That, in turn, has helped transform the new medicines into blockbusters.

Details of the drug companies’ efforts, recorded in Mr. Jones’s investigative files and confirmed in part by drug companies and state officials, offer a glimpse inside the drug industry’s behind-the-scenes efforts to promote the new-generation antipsychotics, called atypicals because their action in the body is unlike that of earlier drugs.

There is no proof that drug-industry money changed any state official’s opinion about the drugs. And compared with the billions of dollars spent marketing to doctors from their first days as medical students - or the billions spent to underwrite and publish research - the dollar amounts are small.

But questions have multiplied about the many ways that the drug industry tries to influence the medical information that determines its products’ success or failure. Last month, for example, some senators sharply criticized the National Institutes of Health for allowing its scientists to accept consulting fees and stock options from drug and biotechnology companies. Officials of the agency said that its top-level scientists were no longer accepting such compensation.

Sales of the new antipsychotics totaled $6.5 billion last year, according to an estimate by Richard T. Evans, an analyst at Sanford C. Bernstein & Company. About a third of those sales were to state Medicaid programs, whose costs have ballooned with their adoption of the new...
medications. Texas, for example, says it spends about $3,000 a year, on average, for each patient on the new drugs, versus the $250 it spent on older medications. The escalating costs have prompted a few states to try to limit access to the new antipsychotics - efforts that drug makers have opposed vigorously.

The Texas guidelines advise doctors to choose Risperdal or one of four other new antipsychotics - Zyprexa from Eli Lilly, Seroquel from AstraZeneca, Geodon from Pfizer or Abilify from Bristol-Myers Squibb - unless they can explain in writing why an older drug would be better. If a patient does poorly on the first medication, doctors at state hospitals and mental health clinics are advised to try another of the new drugs next. Texas officials said such guidelines were simply a road map for doctors, who can explain to the state on written forms why they are not prescribing a recommended drug.

The drug companies deny doing anything untoward. They say it was appropriate for them to help pay for the development of guidelines aimed at giving patients the best care. The ones for schizophrenia, they say, were written by medical experts and Texas officials without industry interference.

“Janssen did not participate in nor influence the content or the development of the guidelines,” said Doug Arbesfeld, a spokesman for Janssen Pharmaceuticals. Officials in some states asked the company for financial grants so that they could learn about the guidelines, he said.

Dr. Steven P. Shon, who as medical director of the Texas mental health department led the work on the guidelines, said the effort was not the drug companies’ idea. Rather, he said, state officials decided that guidelines were needed because of the wide variations in prescriptions being written for patients.

Dr. Shon said that the condition of many patients had improved when their care followed the guidelines. Even without them, he added, doctors in Texas would have prescribed the new drugs. “Everyone wants to use the new thing,” he said.

WHEN work on the Texas guidelines began in 1995, only two of the new-generation drugs were approved for sale: Risperdal and Clozaril, a medicine from Novartis that doctors were uncomfortable prescribing because of its known potential to cause a life-threatening blood disorder. At the time, Janssen had little research on which to base its claims that Risperdal represented a medical advance. In fact, when federal regulators approved the drug, they forbade the company from claiming in marketing materials that it was better than the older drugs.

Now, doctors widely prefer the new medications, saying that the older drugs cause a higher incidence of side effects like stiffness, trembling and uncontrollable jerks that can stigmatize patients and prompt them to stop taking the drugs.

But some recent studies have complicated the picture for doctors by showing that the new medicines have potentially serious side effects, too, including the development of diabetes in some patients. On Tuesday, four medical groups, including the American Psychiatric Association, warned that the new drugs could increase a patient’s risk of obesity, diabetes and high cholesterol - which can all lead to heart disease. Some leading experts on schizophrenia, after reviewing the accumulated scientific evidence, have developed a set of guidelines that clash with the Texas policy. These recommendations, produced entirely with federal government financing, say that physicians should not consistently choose the new drugs over the older medications.

“You choose the one that seems the best for the patient,” said Dr. Anthony F. Lehman, the chairman of the psychiatry department at the University of Maryland School of Medicine. Dr. Lehman was the leader of the panel, called the Patient Outcomes Research Team, that put together the alternate guidelines under a grant from the National Institute of Mental Health. The guidelines are expected to be published this spring.

As early as 1999, physicians were raising questions about the drug industry's financing of the Texas guidelines. In an article that year in The Journal of Practical Psychiatry and Behavioral Health, Dr. Peter J. Weiden and Dr. Lisa Dixon argued that corporate financing created a potential conflict of interest that could hurt the project’s credibility.

Dr. Weiden, professor of psychiatry at the State University of New York Downstate Medical Center in Brooklyn, said in an interview last month that he believes the new drugs have benefits over the older ones. But he continues to worry, he said, that the industry controls too much of what doctors learn in psychiatry. For example, Dr. Weiden said, industry-sponsored educational events focus on medications, while subjects like how to talk to patients to motivate them to get better fall through the cracks.

“The industry drives education right now,” Dr. Weiden said. “Across the board, there has been a shifting of education toward psychopharma,” meaning drug treatment.

Mr. Arbesfeld, the Janssen spokesman, said that the company disagreed with the recommendations of Dr. Lehman’s panel. A growing body of evidence, Mr. Arbesfeld said, shows the benefits of the new drugs. He pointed to a 2002 study that found that patients treated with Risperdal had a lower risk of relapse than those treated with Haldol. He also noted that the National Institute for Clinical Excellence, part of the National Health Service of the British government, recommends the new drugs as a first-choice treatment for schizophrenia.
Other companies say it is important that they help educate doctors about the intricacies of their drugs. “There is no one who knows more about our products than we do,” said Mariann Caprino, a spokeswoman for Pfizer. The company, like many others, gives financial grants for educational events but says that it is not involved in writing the instruction materials.

Industry financing of the Texas guidelines began in 1996, when Janssen agreed to help pay for a survey of dozens of experts about the best way to treat schizophrenia, according to the article by Dr. Weiden and Dr. Dixon. Texas officials relied on the experts’ conclusions to help them write the guidelines, which were first applied to patients in 1997. The initial ones called for doctors to use either Risperdal or one of the earlier generation of antipsychotics. Three years later, Janssen and five other companies helped underwrite an update of the consensus; Texas, in turn, used it in updating the guidelines. The 1999 version established a preference for the new drugs.

Dr. Shon said 11 drug companies had given Texas a total of $285,000 for the project. The effort produced guidelines for treating schizophrenia as well as for treating bipolar disorder and major depressive disorder in adults, and attention deficit hyperactivity disorder and major depression in children.

In all, Texas has spent about $6 million on the guidelines and on educating doctors about how to use them, Dr. Shon said. In addition to the drug industry support, the state has received help from the federal government, universities and nonprofit foundations. The largest grant, $2.4 million, came from the Robert Wood Johnson Foundation, a leading backer of health care research, which was established by the estate of a longtime chief executive of Johnson & Johnson.

David J. Morse, a vice president of the foundation, said that it made the grant because one of its goals is to help find the best possible medical treatments. The foundation has about 50 percent of its financial assets invested in Johnson & Johnson stock, he said, and has former company executives on its board. But it is “completely independent” of Johnson & Johnson, Mr. Morse said.

In May 2002, a manager in Pennsylvania’s public health department reported to state investigators that mental health officials had created a bank account to collect grants from drug companies.

Mr. Jones said the inspector general’s office soon dispatched him to look into the report. Pennsylvania’s ethics law covering state workers bars them from accepting honorariums and gifts if they are made to influence officials’ decisions; ethics officials say the ban can also extend to accepting reimbursements for travel in some cases. Violators can be punished by fines and criminal penalties.

Mr. Jones said he began to believe that drug companies were trying to buy the loyalty of state officials. “The more research I did, the more alarmed I became,” he said in an interview.

As he reconstructed the flow of deposits into the account, he interviewed drug company executives and state officials. Pennsylvania mental health officials, he determined, were beginning to express interest in the Texas guidelines by October 2000. Janssen paid twice for Dr. Shon to fly to Pennsylvania, according to notes from an interview Mr. Jones conducted with Janssen executives in September 2002. Janssen made the grant covering Dr. Shon’s travel expenses “to expand atypical usage,” according to a company document that was given to Mr. Jones.

On April 17, 2002, Janssen paid for an educational seminar on the guidelines for doctors and nurses working in Pennsylvania’s prisons. Each of the speakers - including Steven J. Fiorello, the top pharmacist in Pennsylvania’s mental health office, and Dr. Frederick R. Maue, clinical services director of the state’s Department of Corrections - was paid $2,000, according to Mr. Jones’s interviews and documents he obtained. Comprehensive NeuroScience, a marketing company in White Plains working for Janssen, provided Mr. Fiorello with slides to use as a model for his talk, according to an e-mail message that Comprehensive NeuroScience sent to Mr. Fiorello. In the message, Comprehensive NeuroScience asked him to personalize the slides and then send them back for Janssen’s review.

Sandra Forquer, vice president for educational services at Comprehensive NeuroScience, said in an interview that Mr. Fiorello had written his own speech. She also said that Mr. Fiorello had requested that his $2,000 payment be given to charity, but that her company sent it to him directly by mistake. According to Mr. Jones’s interview notes, Mr. Fiorello described several instances in which drug companies gave him honorariums but said he was unsure about which ones he had kept and which ones he had given to charity.
Stephanie Suran, a spokeswoman for the Department of Public Welfare in Pennsylvania, said Mr. Fiorello was not available for comment. She said that she could not comment on Mr. Jones’s findings because of a continuing investigation.

Mr. Jones’s interview notes show that Ms. Forquer also told him that Janssen, through Comprehensive NeuroScience, paid Dr. Maue $2,000 for each of two other speeches, in Orlando, Fla., and Sacramento. A spokeswoman for Dr. Maue said that he had turned over any honorariums he received to the state; state officials confirmed that he had sent the money to the state’s general fund.

But Mr. Jones learned that Janssen nurtured other ties to state officials. It named Dr. Steven J. Karp, medical director of Pennsylvania’s mental health office, to the advisory board of a newsletter, Mental Health Issues Today, that a marketing firm created for Janssen. Janssen paid to fly Dr. Karp, as well as top officials from other states, to advisory board meetings in Seattle, Washington, D.C., and Tampa, Fla.

ACCORDING to Mr. Jones’s interview notes, Dr. Karp said he eventually became uncomfortable about attending the meetings because a Janssen executive was always present. Ms. Suran, the spokeswoman for the Department of Public Welfare, said that Dr. Karp was not available for comment. The records that Mr. Jones compiled in his investigation are now part of a lawsuit he filed against his supervisors in the Pennsylvania inspector general’s office after they removed him from the inquiry. Mr. Jones said he did not know if the inspector general’s office had investigated the matter further.

Mr. Jones contends in the lawsuit, which has been transferred to the United States District Court in Scranton, Pa., that his bosses violated his rights by trying to hide the evidence he found.

“I was told that drug companies write checks to politicians on both sides of the aisle,” said Mr. Jones, who still works as an investigator in the inspector general’s office.

W. Scott Foster, a spokesman for the inspector general’s office, said that the office did not comment on lawsuits or its investigations. In court, lawyers for the state health officials have argued that the officials did nothing wrong and did not violate the rights of Mr. Jones.

Pennsylvania officials believe that the schizophrenia guidelines, adopted by the state in 2001, are saving money, Ms. Suran said. In the past, many doctors prescribed more than one drug for schizophrenia patients, the mental health office found. The guidelines, however, rarely allow multiple prescriptions. Preliminary data also show that the mental health of some patients has improved, Ms. Suran said.

Before he was pulled off the investigation, Mr. Jones said, he learned that Janssen was not the only drug company that had made payments to Pennsylvania officials involved in adopting the guidelines. According to Mr. Jones’s interview notes, Mr. Fiorello said that Pfizer had paid twice for him to travel to its Manhattan headquarters from Harrisburg for meetings of “an elite group of pharmacists,” put him up at one of the Millennium hotels in Manhattan and paid him an honorarium of less than $1,300 for each meeting.

According to the notes, Mr. Fiorello also told Mr. Jones that Pfizer had paid for him to travel with a Pfizer sales representative to Maryland to meet with a mental health official from that state and discuss Pennsylvania’s use of the guidelines. Pfizer paid him an honorarium, he said, but he could not remember how much.

Ms. Caprino, the Pfizer spokeswoman, said the company finances development of treatment guidelines to ensure that patients get the best possible medications. The company, she said, plays no role in writing the guidelines. In addition, Ms. Caprino said, Pfizer often hires medical professionals as consultants and pays them for their time. Pfizer cooperated with Pennsylvania officials as they investigated the payments, she said, and the officials later told the company that it had not acted inappropriately.

SOME payments went to patient groups instead of directly to state officials. In 2002, Janssen gave the Olympia, Wash., chapter of the National Alliance for the Mentally Ill a grant of $15,000 to fly Dr. Shon and other Texans to speak to Washington state legislators about the guidelines, according to Bill Pilkey, the chapter’s former treasurer. Each speaker, he said, was paid $1,500.

Dr. Shon said that he gave the $1,500 to the Texas mental health department. In all, he said, he has traveled to more than a dozen states to talk about the guidelines, with most of the trips paid for by grants from either the Robert Wood Johnson Foundation or the federal government. When he asked the drug industry to cover various expenses, Dr. Shon said, it was because of a lack of state money. “It was the only source of funding to complete or do all the things we wanted to do,” he said.

Dr. Shon said he was working with three more states - Alabama, Hawaii and Wyoming - to help them adopt the guidelines.

Referring to the effort to draw up state guidelines that began in 1995, he said, “None of us ever imagined it would grow into what it has become.”
I want to talk to you about what it feels like getting ready to be adopted, when you are a little kid who has already had about a hundred mothers. When you can barely remember what your first mother smelled like.

When everyone spoke a different language in the place where you were born than in the place you are now. When some of the people who took care of you were called “foster parents” and you didn’t know what that meant except something about they weren’t going to stick around. When, in the process of being moved all over the place, you lost some of your brothers and your sisters and a particular pair of shoes that felt just right and your absolutely most favorite cuddly, and a certain place on the inside of your last crib where you used to scratch with your fingernail to help yourself go to sleep. Kids like me, see, don’t have families of our own.

Because there’s something wrong about us. (I guess) Or because there aren’t enough to go around. Or something. And I probably won’t get one, either. Or if I do, will it be too late for me to believe that they love me, and are going to stay with me? So I want to talk to you, Big People, about these things, even though I am not sure you are real interested. Are you the same Big People who keep doing these things to me in the first place? (Please don’t get offended if I talk to all of you at once: caseworkers, foster parents, judges, adoptive parents. I just need to say how it all feels to me, and sometimes I can’t get the cast of characters straight.)

Some people say that my first parents shook me until my eyeballs got loosened up, or they left me alone, or they gave me away, or they just ran away. I guess you think, because of that, I am supposed to not miss them? (Because if I did it would sure make me lots more cooperative with all the plans you keep making for me.) Should I just say, “They did the best they could” so I am not so ticked off and lonely and worried all the time about what the Big People are going to do next? The truth is, I can’t do any of these things: I can’t forget. (Even when my brain does, my body won’t.) I can’t stop myself from yearning (even though later I will get quite good at playing games about this).

I’m not saying I was some cherished treasure or anything in my family.

But what were you thinking when you sent big men in uniforms to grab me out of my screaming father’s arms at eleven o’clock at night, scaring me to death? Or when you sent me to a foster home without telling them about the special ways I needed to be handled because I had never stayed anywhere long enough to get attached to anybody? Or when you then took me from those people who were so disappointed in me after a few weeks that they said I would have to be “disrupted” (whatever that means).

So you sent me to a family with an older foster child who was mean to little kids because they were weak and small. And so he punched me a lot in secret. And pulled real hard on my penis in the middle of the night.

And when that family got rid of me, and the next, and the next, did you think I was going to take it all lying down? Did you think I was supposed to just be sweet and adorable and ready to connect to yet another family who were going to throw me away? (Could you have done that?) After a while, I had just lost too many people that I might have cared about. I had been with too many “parents” who really weren’t, because they couldn’t hold me tightly in their hearts at all. None of you got how I was being changed by all these losses, (in my heart and in my behavior).

After a while, I began to get some pretty bad ideas about how things work. And mostly those ideas said that I was, by that time, in deep doo-doo. I wasn’t going to let anybody like me.

Not even me. And so, now, I won’t let you imagine even for a minute that I like you. That I need you, desperately. That I might ever grow to trust you. I am not, after all, a complete moron.

Are you ready to have me not believe you? Are you ready for me to fight you for control? Are you ready to hold me, and then hold me some more (when all the time I act like I don’t want you to at all?) Are you ready to really stay with me, through a battle that might last almost my whole growing up? Are you willing to feel as powerless as I do? What will you think when I say I don’t care a bit whether you go on vacation and leave me with Aunt Harriet, who I hardly know at all? Then, when you come back, are you ready to deal with me taking a dump in front of your bedroom door every single day for three whole weeks?

You see, it is like this, Big People: I’m not stupid. I was not blind. I do pay attention, because it matters lots to me. And so when my first parents knocked me around or acted like I was invisible, or gave me to someone else to raise, or stood there screaming while you took me away from them, I noticed.

And when no one came to take their place, I noticed that too. And when the orphanage didn’t last, and the first half-dozen foster families didn’t last, something started happening to me.
A little bit of my spirit started to die. For some reason, then, I started pulling out my eyebrows.

(I'm not sure what that has to do with my spirit dying.) I agree that it doesn't make much sense for me to join in with all the other people that have hurt me, by hurting myself. But I do it anyway. So I bite on my hand, or dig at my face, or make a real bad sore on the top of my head from scratching myself. I pull out clumps of my hair, and so the kids at preschool laugh, and Big People have an odd look on their faces when they see me.

I masturbate a lot to comfort myself. (I even let a dog lick me down there.)

They say that sometimes I try to touch other kids down there. Sometimes I run into the arms of strangers, like I have know them forever, and like I don't actually care anymore who I am safe with or not.

(If you are safe with anybody? Does it matter any more?) Did I mention how much I am growing to hate smallness, and weakness and defenselessness? It's getting so the only thing I know how to do is to just be as tough as I can, and to try to rub out smallness and weakness wherever I see them:

In the kittens that get hung by the clothesline in the backyard and squished with a tennis racquet.

In the babies in my recent foster homes who turned up scratched. In my own Self, which I attack, particularly when I am feeling small or scared, and I need to beat myself into more toughness.

And as little parts of my spirit keep dying, will it surprise you that I'm not exactly going to be overjoyed when you finally say you have permanent parents for me? Do you honestly think I am going to say, “Oh, I get it. You were just kidding all those other times, but this time you really mean it”?

And, so, do you want to hear something funny? Just about the time I am ready to get what everybody thought I needed (parents who are actually never going to leave me) I'm going to get just a tad weird.

I'm going to start banging my head more than I did before. I might start acting like a baby again and , even if I had gotten a little bit comfortable with my latest “parents”

I'm going to go back to stiffening my body, and screaming at night, and doing everything I can to tell you that I don't want you to love me.

I can't stand all this talk about “permanence” and “adoption”. I will make you sorry you ever thought about trying to get close to me. I will make you feel almost as helpless and small as I have usually felt.

So are you wondering what I need? Are you wondering what I would do about all of this if I had the power?

First of all, it would help a lot if you would start with one simple, clear commandment to yourself: Never forget that I am watching. Never forget that every single thing you do matters immensely to me, (even when I work like crazy to make you think that it does not). And I will remember. You may be able to get away with treating me as if I am invisible for a while (perhaps long enough to “disrupt” me or move yourself to a different casework job). I was there, watching, I was having deep feelings about what was happening to me and I needed someone to act as if it mattered, hugely. Second, don't imagine that I will ever stop yearning for my birth family (even though, as in other things, I will pretend otherwise). Help me find some way to keep a connection with them, even if I never see them again. Bring out pictures, or a Life Book and hold me while I rage or sob or stare, or all of these at once. And understand that none of this is a reflection on you. Don't be surprised when I come back from a visit with them peeing my pants or throwing tantrums in the bath that night.

I told you: things matter to me. So I am going to have feelings about things that matter to me. Third, it would help a lot if you would make the decisions that you need to make and stick with them. Some days I think my mind is going to explode because I know something is going on in my life but I can't tell what it is; later I'll learn that there was a court hearing that day and everybody in my life was wrought up and then it was “continued” (whatever that means - except mostly that nothing is getting decided, and I still don't have a family).

I don't get to make the decisions. You do. So have the courage to make them. So that I can get a life. Fourth, it would mean a lot to me if you would take good care of my foster family. They have their hands full.

Sometimes they don't know what to do with me. So make sure someone is there to answer their questions, to encourage them, to help them understand me better. You won't like what will happen if I keep getting disrupted, and the only way I can think of to prevent that is to take extra good care of the people that are taking care of me.

So have I told you anything that you wanted to know? Have I helped you to understand how we feel - all of us kids who fell into the world of foster care and adoption? I know it is a burden for you to think so carefully about me, and I know you might get a little nervous to realize that I am watching, and affected by all that you do.

But you won't be sorry if you take me seriously. Someday, see, I will be Big People.

GIVE THAT A THOUGHT.

By Michael Trout, Director of The Infant-Parent Institute Champaign, Illinois 217-352-4060, EMAIL: nancy@infant-parent.com
Stratton Children Bring Home the Bacon

The Jack and Kathy Stratton Story is currently featured on Scams-n-Scandals

By Allison Hart

Jack and Kathy Stratton’s nine children have proved to be a veritable cash cow for the Mecklenburg County Department of Social Services. The Stratton children have been in foster care for nearly two years, ever since the DSS removed them from their home on charges of neglect. The Strattons have steadfastly denied the charges, and have been fighting to regain custody.

During that time, the DSS, through federal funding, has been receiving $9,971.73 per month for the Stratton children, while paying out only $3,600. Net profit: $6,372 per month.

The numbers may seem numbing, but they’re not surprising. In fact, in reading the 100 or so pages of the 2000 US House of Representatves Ways and Means Committee’s report on foster care programs and adoption incentives, two common threads sew these federal laws together: Parents accused of abuse or neglect have very little protection under the Constitution; and there is a money trail following every foster child who moves through the system.

Under federal guidelines established in 1980, children in foster care are eligible to receive funds from a block grant to states called Temporary Assistance for Needy Families (TANF). As a condition of receiving TANF funds, states must operate foster care and adoptive assistance programs under title IV-E of the Social Security Act.

In 1997, Congress enacted significant changes to title IV-E, namely adding a push to terminate parental rights (TPR) in cases where children have been in foster care for 15 out of 22 months. The new legislation, a Clinton initiative called the Adoption and Safe Families Act, called for these TPR proceedings to begin 12 months after a child’s placement in foster care, rather than the 18 months required by the old legislation. Both the Illinois Supreme Court and the Nebraska Supreme Court ruled that portion of the Adoption and Safe Families Act unconstitutional because it presumes parents are unfit simply because their children have been in foster care for 15 months.

The law also authorized incentive payments to states to increase the number of foster and special-needs children who are placed for adoption. Lawmakers said the purpose of the legislation was to keep children from languishing in foster care for years of their childhood. But some critics say the adverse result is that families are being torn apart at a much higher rate since the new laws were enacted.

In fiscal year 1999, the latest information available for the 2000 report, the federal government set adoption goals for each state that were equal to the highest number of adoptions in any preceding year beginning with 1997.

States are paid $4,000 for each foster child adopted out over their goal in a given year. For example, North Carolina had an adoption goal of 467 in 1998. The state did not meet its goal that year, therefore it did not earn adoption incentive money.

Conversely, in 2001, North Carolina exceeded its goal of 1,244 by 37 percent, bringing in more than $623,000 in Title IV-E money and placing the state third in the nation for the amount of adoption incentive money received that year. California placed first and Missouri placed second.

Children with special needs bring in even more money. As Mecklenburg County DSS personnel have pointed out, North Carolina classifies a child as having special needs when he has an existing medical condition, is physically, mentally or emotionally handicapped. But a child who is a minority, who is of a certain age or who has brothers and sisters also available for adoption can also be classified as having special needs. Those children carry an extra $2,000 above the $4,000 if they are counted in the group that was adopted over the state’s goal.

According to Cheryl Barnes, national director of the DSS watchdog organization Child Protective Services Watch, the children social workers removed from Jack and Kathy Stratton could bring in a large amount of money if they were adopted. The children are in a large sibling group, some of them are teenagers and two of them have been diagnosed as having special mental, physical or emotional needs. But the smoking gun in the Stratton case, Barnes said, is that they are racially mixed. Their mother is black and their father is white.

Barnes has conducted research nationwide about how families are affected by child protective services and juvenile courts. Her figures show that 60 percent of abuse and neglect claims against children in Mecklenburg County who are racially mixed were substantiated in 2001, compared with 43 percent substantiated cases against black children and 35 percent substantiated against white children. It could just be coincidence, but Barnes calls it discrimination.

Barnes also claims child protective services can get more money for holding children in foster care. Under title IV-E legislation, the Foster Care Program provides open-ended matching payments to states for the costs of maintaining certain children in foster care. The match also helps pay for administrative, child placement and training costs.

According to the House committee’s report, the average
estimated monthly number of children in title IV-E foster care more than tripled in the U.S. between 1983 and 1999. During those same years, federal spending on title IV-E foster care increased from $395 million in 1983 to $4 billion in 1999. That same year, North Carolina spent $64 million of those funds on maintenance payments, child placement services and administration, information systems and staff training.

Based on those 1999 figures, North Carolina received $1,107.97 per month per child in foster care from title IV-E funds. The state paid out on average about $400, or 36 percent, per month to care for foster children. The remaining $707 – allocated per child in foster care – is used for administration. Thus, Barnes said, the DSS is getting $9,971.73 per month for the Stratton children, while paying out $3,600 for its net profit of $6,372 per month.

Still, DSS personnel and some Mecklenburg County officials – most notably Board of County Commissioners Chairman Parks Helms and DSS Director Richard “Jake” Jacobsen – have denied that the DSS has any financial incentive to remove children from their homes and keep them in foster care.

Mecklenburg County DSS officials have said that all the money it has received through state and federal foster care and adoption programs goes toward helping the children they service.

What Barnes said she finds most interesting is that the federal government pays out thousands of dollars for foster care and adoption programs, yet earmarks little of that money for programs to help keep families together – the alleged number one goal of Child Protective Services.

Just this week, a Charlotte-based adoption agency won a $1 million grant to recruit black men to adopt. That kind of money is not available to keep biological families together, Barnes said.

“If you want to go and open up an agency to promote the adoption of foster kids, you can get a federal grant easy,” she said. “But, if you want to open an agency that provides family preservation services, there is no money for that.”

Federal grants, though, are available to states for family preservation under the program Promoting Safe and Stable Families. Before the 1997 legislation, at least 90 percent of the funds had to be used for family preservation services and community-based family support services.

In 1997, Congress added two additional categories to the grant program: time-limited family reunification services and adoption promotion and support services. The statute does not specify a minimum amount that must be spent on any particular service, nor does it exclude services for adoptive families in the family preservation category.

The Jack Stratton Story ©

“I’ll never forget that horrible day. From our kitchen window my wife, Kathy, and I saw all kinds of government vehicles pulling up around our house. Before we knew it, agents from the Department of Social Services were there knocking at our door. They said they had a court order to take our kids and place them into permanent adoption. I couldn’t believe what was happening to us! Kathy broke down sobbing. Our children panicked. What did we do? I protested but nobody listened. The social workers were more like the gestapo. They wanted our kids and that was that! They knew we were innocent but, as I found out, bi-racial children bring a handsome bonus in the North Carolina adoption system. What I’ve learned about the Mecklenburg County Department of Social Services has made me a target. Today, my life is in danger. It’s been nearly two years since we’ve seen or heard from our girls and boys. I can’t take it anymore! I’ve been sent to jail, threatened and ordered by the court to shut my mouth because I know too much. I’m a man with no other choice now. All I want is my family back. My only hope now is defy the court and speak out!”

Jack and Kathy Stratton could never imagine that their 10 beautiful children would be suddenly snatched away by government agents and that their life would change forever. They haven’t been allowed to see any of their kids for close to two years. How come? Why is the Mecklenburg County North Carolina Department of Social Services and Judge Libby Miller so anxious about keeping Jack Stratton quiet and behind bars? Why is North Carolina’s State Attorney General James Coman refusing to hear Jack’s evidence of corruption and collusion in the very system that took his kids away? A sworn affidavit by witness Gaston County Patrol Officer Jeannette Seagle states that there was no need for the removal of the children.
If you added up the budgets of all the Children’s Services in America, it would come to larger than the United States defense budget. The child abuse war is headed by the biggest, most out of control bureaucracy in the United States, each day conducting thousands of kangaroo courts in which all parents are equally guilty until proven innocent. It is so out of control that everyone is now demanding that the system be changed.

The Lance Helms case, in which a Los Angeles child was returned to the biological father in whose home the child was beaten to death, and the O.J. Simpson case, in which children were returned to a father who apparently killed their mother, are simply the most notorious examples of a children’s legal system way out of wack. They illuminate the current hypocrisy demanding fathers take responsibility for their children while simultaneously making it as difficult as possible for them to do so.

It’s a system the public knows little about. The press is not allowed in juvenile court, ostensibly to protect the anonymity of the innocent children, but equally protecting the system itself from exposure.

Things were different in my case. In my case, the press attended each and every hearing. I am a professional journalist. In my case, I was the press and they not only let me in, they demanded my presence. I got a first hand look at how it really works. No wonder they don’t want anyone to know. The juvenile court system works the exact opposite of the criminal justice system. The word justice is left out entirely. Everyone is guilty until proven innocent.

All child abuse cases begin with a complaint. The Mondale act of 1976 gives total immunity to those who make reports of child abuse, no matter how specious. Thanks to overzealous medical personnel who are forced to disclose even the slightest, most benign signs of abuse, coupled with untrained social workers who also have legal immunity, the child abuse war routinely turns molehills into mountains. Like the war against drugs, the war against abuse is doing infinitely more damage than it is preventing. To kids, parents are omnipotent. When they are taken away from their home, they get separation anxiety. But removal from the home is not the last recourse in a case of potential abuse, it’s the very first knee-jerk reaction. A study conducted by the Little Hoover Commission came to the conclusion that 30-70% of the children currently held in group homes in California don’t belong there, and never should have been taken from their parents in the first place.

According to 1991 Orange County statistics, 80% of all accusations of child abuse turn out to be unfounded. Of 34,259 hotline calls, 7,916 were dismissed immediately as inappropriate (23%), 26,343 were actually investigated (77%), and 4,700 were determined to need further investigation (13% of total). Of that 13%, 141 (3%) involved medical problems, 376 (8%) involved potential sexual abuse, and the remaining 80% involved general neglect based on ignorance and poverty.

When the problem is ignorance and poverty, the answer is education and money, not legalized kidnapping. Unfortunately, most social workers are entry level investigators with little expertise. Their mission is to protect children, and they often do, but in the process, they destroy whatever stability a household may have. Due to burnout, L.A. has a 150% turnover rate of social workers. Most of the new ones simply go by the book.

They are neither prepared nor educated for the job. Most aren’t parents so they have no idea what the job of parenting actually entails. Less than 20% of social workers have a college degree, and no criminal history check is done on applicants. Our children’s safety has been entrusted to thousands of incompetent bureaucrats with far-reaching authority.

Let’s say the DCS (Department of Children’s Services) makes a mistake, goes to the wrong address, or that none of the allegations they make are true. So what. They’ve got the kid. They never have to prove their case, and they never back down. The bureaucracy is so thick that, innocent or guilty, it takes a minimum of six to nine months for parents to get their children back.

Though the legal immunity of social workers has been whittled away by some states, it hasn’t stopped them from becoming the most powerful bureaucrats in the country. When the police bust down the wrong door, they can be sued for false arrest, but if a social worker takes the wrong baby, there’s not much anyone can do. To sue in California, you have to prove malice, and social workers are simply following the mandate of their job. Just as meter maids are judged by how many parking tickets they give out, social workers are judged by how many babies they take away. Since social workers don’t have to pay for their mistakes, and since they err on the side of caution, they...
Inevitably end up abusing more children than they help. When the only tool you have is a hammer, all problems look like nails. The only tool social workers currently have at their disposal is removal of the child, so all situations look like abuse. If a circumstance looks potentially dangerous, as though there might be a problem, it means nothing for them to simply take the kid away just to be on the safe side. They don’t want to be caught with their pants down if something goes wrong after the investigation. So they take the kid away. They have no alternative courses of action.

Once a child has been taken away, the parent is allowed no contact with them whatsoever until the hearing. They aren’t even told where the child is. The hearing is three days away, and there is absolutely nothing they can do until then.

If the parent is poor and receiving AFDC for their child, they stop getting their $500 a month, which may have been their only means of support. The group home that now houses their child starts receiving up to $5,000 a month to care for the child. Since the vast majority (80%) of children are taken away due to poverty, if parents were to receive only 25% of what group homes are given for the exact same service, the child would never have to be taken away in the first place.

When the parent makes their first appearance in dependency court, they discover that they have not been charged with a crime. People charged with crimes are in criminal court where they have civil rights. Parents entering dependency court check their civil rights at the door. From the moment the parent enters the system, they never meet one single person who presumes they are innocent. Their court appointed attorney is there more for comfort than to fight in their behalf.

Like criminal court, dependency court works on the advocacy system. The judge hears the case argued by attorneys with opposing viewpoints. Nobody who is on trial is allowed to personally address the judge unless requested to do so, so each case automatically begins with the defendant’s inability to speak for themselves. Parents are not allowed to say one single word in their defense, and are actually encouraged not to defend themselves.

Everyone who appears in criminal or dependency court must bring their own representative, or if they cannot afford it, one will be supplied for them. Since parents in dependency court are predominantly poor, virtually all the attorneys are court appointed. These attorneys always recommend that the parent simply plead guilty and get it over with. They don’t want to actually defend you. Everybody maintains the position that they have been hired to maintain, so every case looks exactly the same. The safest thing for anyone working in the system is to preserve the status quo, so the bureaucracy grinds on, making everything take forever.

O.J. Simpson’s attorneys do a good job defending him because they actually work for him. He is the one they get their paychecks from. But attorneys in juvenile court don’t do a good job because they don’t actually work for the party they are representing. The parent’s court appointed attorney gets their check from the same place as the state’s attorney and the children’s attorney and the judge. Like every other employee on earth, they work for the party that gives them their paycheck. Their job is to keep their job. Nobody has anything to lose as long as the child is kept away from the “potentially” abusive parent, except for the child and the parent, who are both equal victims. Nobody in the bureaucracy does anything to rock the boat. No one wants to be held responsible if something goes wrong.

And things do go wrong. Unfortunately, cases like Lance Helms and O.J. Simpson focus the public on only one side of the issue. The knee-jerk reaction is to back the social workers and aid them in making it more difficult for murderous parents to get their kids back, forgetting that social workers make just as many mistakes in the other direction. Children often end up being abused, neglected, or damaged by the very system that the State has set up to protect them. Children with no serious problems are routinely placed in psychiatric institutions or group homes for seriously troubled children, and children with serious emotional problems are routinely placed in foster or group homes for children without problems. For every Lance Helms who is incorrectly returned to a bad situation, there are hundreds of other children who are incorrectly not being returned to perfectly normal situations. Any solution has got to deal with both aspects of the problem.

One easy solution is to make juvenile court work the same way as criminal court. Simply following the same rules of evidence and allowing jury trials would clear up a lot of the injustice. Or simply abolish juvenile court altogether. If social workers have got a case, let them present it in criminal court.

In criminal court, defendants are generally released on bail, and they are presumed innocent until the state proves guilt beyond a reasonable doubt. Either the judge, or every member of a jury, must be absolutely convinced of guilt. If one single jury member is not convinced, there is no conviction. The idea seems to be that it is better to let eleven potentially guilty people go rather than send one single innocent person to jail. If and only if the defendant is proven guilty is sentence pronounced.

But in dependency court, the first thing that happens is the sentence. The social worker has removed someone’s child from their home. It is an accomplishment before a single hearing has taken place. Based solely upon the
recommendation of a social worker, the child has already been separated from the parent. This action is traumatic under any circumstances, but particularly when the parent/child relationship was strong and healthy to begin with. **Dependency court is full of parents who may or may not have done anything wrong, but have already been found guilty by an all-mighty social worker.** It’s a building full of nothing but parents who are trying to get their kids back.

Once in court, all the social worker has to do is stand by their original charges, but the parent must now prove themselves innocent before the judge will release their child to them. **The idea seems to be that it is better to take eleven children from healthy homes than let one single child actually get abused.** If and only if the defendant is proven innocent is their child returned to them. This system might be somewhat fair if innocence were not infinitely more difficult to prove than guilt.

In criminal court, if it turns out the police made a mistake - that their actions were indefensible - the case is dismissed, and the defendant may subsequently sue the police department for false arrest. This keeps the police on their toes. They try to make sure they have evidence or witnesses to back their version of what happened. But in dependency court, if it turns out that the social worker made a mistake - that their actions were indefensible, the case is not dismissed, and the parent may not subsequently sue them. Social workers are not kept on their toes since they are immune from retribution. They proceed with their case, full speed ahead, whether or not they have evidence or witnesses to back their version of what happened.

**Unlike criminal court, hearsay is actually admissible in juvenile court. Social workers routinely take the stand and present a case that consists solely of allegations made by someone who isn’t there. Parents don’t get to confront their accusers. No other testimony is presented, and no evidence is introduced.** The parent’s court appointed attorney routinely says “We deny these allegations,” and the judge routinely allows the parent monitored visits with their child, ordering them into counseling and parenting classes and drug testing. The judge then orders the parent back in three months, promising that if the parent is good, obeying all the court’s orders, they will be allowed unmonitored visits. The devastated parent is led from the room. The whole thing takes less than five minutes.

Like a parole board, they do not want to hear that you’re innocent. They want to hear that you will never do it again - a particularly difficult thing to do when you have been charged with nothing more than normal behavior. Children’s Services will never, ever, under any circumstances, admit that they made a mistake, so there’s no making a deal for your kid. The Los Angeles Department of Children’s Services had children “suitably placed” in Guyana with Jim Jones, and they still haven’t apologized to anyone.

Imagine for the moment that you are the judge in one of these cases. The father’s court appointed attorney, who may or may not have consulted with the father, says “We request the child be returned to the father,” and nothing more. The mother’s court appointed attorney, who may or may not have consulted with the mother says “We request the child be returned to the mother,” and nothing more. The state’s attorney says “Both parents are unsuitable, the child should stay where it is,” and the child’s court appointed attorney, who certainly has never met the child, reads from a report that “The child seems to be developing normally where he is.” And that is all the information you have to go on in virtually every case, 30-40 cases a day, five days a week.

In the case of the death of 2-year-old Lance Helms, the social worker recommended against the release of the child to the father. Why didn’t the judge heed the social worker’s warnings? Because the judge hears the exact same warnings in absolutely every case. If judges heeded the warnings of every social worker in each case, no children would ever be returned to their parents, no matter how unfounded the charges. Thank god there are judges who take social worker’s recommendations with a grain of salt. They realize that social workers are not infallible. In many cases, **the only effect that the social worker has on the family is the emotional damage they inflict by the needless separation.** In these cases, the social worker is the abuser, not the parent. Immunity gives them a free license to abuse.

Social workers routinely make boilerplate accusations, using the same phrases against everybody. “Children are suitably placed” in a group or foster home. “Parents home is inappropriate.” The child is at “substantial risk” with the parents.

Like the boy who cried wolf, social workers cannot be taken seriously because **they always make the same trumped up charges.** By using identical wording in each report, they make each case look equally dangerous. By pursuing each action with equal vigor, they never acknowledge that there are such things as levels of incompetence or abuse. There’s a big difference between a parent who smokes crack every day and a parent who has an occasional puff of pot, but social workers call them both drug addicts and take their children away. There’s a **big difference between a professional pornographer and a parent who takes naked baby pictures, or between a parent who routinely beats their child and a parent who gives them an occasional smack on the butt, but social workers call them all child abusers and take their children away.** And they do it with little research, with less training, and with total impunity.
Which is why the Lance Helms and O.J. Simpson cases are so troublesome. The system is already incredibly prejudiced against fathers, and both of these cases are being used as an excuse to make it even harder for fathers to get their children back.

Just look at a letter The L.A. Times printed from Janlee Wong, the Executive Director of the California Chapter of the National Association of Social Workers. In it, she inadvertently admits why social workers are as much the problem as they are the solution. She states “The challenges to the social worker’s recommendations are often procedural and deny the most important aspect of the case, the social worker’s assessment of risk to the child.”

It’s impossible to imagine a more outrageously megalomaniacal statement. In any case of potential child abuse, the social worker is not a disinterested party, they are the prosecution. Can you imagine Marcia Clark stating that the most important aspect of the O.J. Simpson murder trial was the prosecution’s assessment of the case? What about the two dead bodies? Obviously the most important aspect of a murder trial is the defendant’s relationship with the deceased. Similarly, the most important aspect of an abuse case is the parent’s relationship with the child.

That’s what it is all about. Social workers should focus all efforts upon repairing that relationship, if indeed there is anything wrong with it in the first place. But as Ms. Wong admits, social workers think that the case is about them.

Further in her letter, concerning the death of Lance Helms, she states that “A professional social worker’s recommendations did not prevail in a situation in which there appeared to be great risk to a small child.” But all the warnings were about the father, who is innocent. It is his girl friend who currently sits in jail for killing the child. Why wasn’t anyone warned about her? She’s obviously the one who was dangerous, not the father, but she was not investigated. The social worker’s recommendation may have turned out to be valid, the child was at risk, but for entirely the wrong reason. As usual, the social worker’s report was trumped up, misguided, and inaccurate.

Social workers are already allowed to take children on a whim, using nothing but hearsay and circumstantial evidence. The last thing on earth they need is encouragement to err further on the side of caution. Social workers need to be encouraged not to err at all. This will never happen as long as they don’t have to prove their case or pay for their errors in any way.

Thomas Jefferson said that “No nation is permitted to live in ignorance with impunity.” He never met a social worker.

http://www.disinfotainmenttoday.com/darenet/depend.htm

ATTORNEYS AND PROSECUTORS

In recent years, the psychiatric industry has been the focus of increasing civil and criminal litigation. Cases have ranged from the physical and mental maltreatment of patients, to fraud and malpractice.

According to psychiatrist Sander Breiner in the Psychiatric Times, nearly 40% of psychiatrists are sued for malpractice in the United States alone. In 2002, 70 civil lawsuits were filed against individual psychiatrists and mental health facilities in the United States, a 28% increase over civil suits filed the previous year.

Litigation has included charges of false imprisonment in psychiatric wards, psychiatric sexual assault, insurance fraud, misdiagnoses, and wrongful death suits brought by parents or relatives whose children have died as a result of being prescribed psychiatric drugs.

A study of Medicaid and Medicare insurance fraud in the U.S., especially in New York, between 1977 and 1995, showed psychiatry to have the worst track record of all medical disciplines. According to a veteran California health care fraud investigator, one of the simplest ways to uncover fraud is to review the drug prescription records of psychiatrists.

And the problem is not confined to the United States. Sweden's Social Board, that country’s senior medical oversight body, investigated patient complaints over a four-year period and found psychiatrists were responsible for nearly half of all incidents of reported patient mistreatment. Offenses involving personal violence and sexual abuse were referred to prosecutors for further action.

A 1998 review of United States medical board actions against 761 physicians disciplined for sex-related offenses from 1981 to 1996 found a significant number of psychiatrists and child psychiatrists to have been involved.

Though psychiatrists accounted for only 6.3% of physicians in the U.S., they comprised 27.9% of physicians disciplined for sex-related offenses.

As more and more victims have demanded justice through civil litigation or criminal prosecution, psychiatry has become a growing target for attorneys and prosecutors.

CCHR is a respected consultant and can provide factual, up to date information and statistics on psychiatric abuse to local, state and federal authorities.

http://www.cchr.org/government/eng/index.htm
COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS FEDERALIZE U.S. CHILDREN

As we reflect on where we are today in our efforts to protect children from abuse, it's important to look at how it all got started. This article was written before CAPTA was introduced.

By Congressman John R. Rarick, (La.)

October 5, 1971

Source: National Defense Committee, N.S.D.A.R.
1176 D Street, N.W.
Washington, D.C. 20006

September 30 was a dark day for America. The Federal government has now been authorized to take over our children.

Passage of the Brademas child development programs as an amendment to the OEO bill, by a vote of 186 to 183 lays the foundation for the Federal government to replace the home and for bureaucratic “experts” to replace the parents.

One of the salient selling features was the repeated assertion that the Day Care Centers were necessary to help working mothers and to provide facilities for youth care to encourage unemployed mothers to seek gainful employment. Yet the bill as passed by the House excludes mothers earning over $4,320 a year.

This makes a mockery of the propaganda that the bill is intended to help or encourage mothers to work. On the contrary, it would discourage employment and discriminate against the working mother making over $4,320. Nor can we assume that the child development programs are mere federally funded baby sitting or “new” education or, for that matter, confined to youth.

FAMILY RESOURCE CENTERS

We are being told that something must be done for the millions of our children who have no parents, are from broken homes, and are from homes where they are mistreated or the parents are insensitive to the child’s demands. This reveals the real intent. The child development programs are not to help working mothers but rather to establish federal custodial centers. The suggestion that society could curtail the increase in crime by caring for those described as criminals and dissidents in society is repulsive and unsupported by statistics, logic or truth.

GOVERNMENT CAUSES THE PROBLEM, OFFERS THE SOLUTION

Likewise, repeated inferences that parents don’t know how to control their children or lack the understanding and interest to discipline them is hypocrisy. For years the progressive experimenters of the new educational system have encouraged smart aleckness as free speech and dissent. Children have been taught that their parents are old fashioned - out of step with and ignorant of the needs of changing times. In fact, the Congress has supplied the parents’ and taxpayers’ funds to finance this teaching of disobedience, disrespect and rebellion. It is revolting that the same organizations and movements which have encouraged rebellion against parental control and respect of the home now offer this conflict as an argument that parents are now incompetent to rear their own children.

READ OUR LIPS - IT’S ONLY VOLUNTARY

Supporters of the child development programs urge that the service is voluntary not mandatory, and that there will be nothing further to make the law apply to other than disadvantaged children - that it is an end in itself. The American people have heard these arguments and assurances before. Public education was not originally compulsory. Congress is on record as prohibiting the use of busing to achieve racial balance - children are bused anyway. Furthermore, the bill indicates that it is but a beginning - the foot in the door - until the people can be conditioned to accept more. The language of the bill makes this most clear.
**Section 522 (b) (5) - “It is the purpose of this Act to... establish the legislative framework for the future expansion of such programs to provide universally available child development services.”**

Anyone who assumes these programs as being voluntary is either misinformed or ignorant of the facts. The American people know better. They have learned otherwise the hard way on too many occasions.

**PARENTS “PARTNERSHIP” WITH BIG BROTHER AND loose CHILDREN**

History records many examples of attempts by governments to gain control over the minds and bodies of its young people. Hitler with his regimentation and dreams of a new world order never achieved what these programs provide - “the formation of a partnership of parents, community, State and local governments to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services.”

The child development programs authorize comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program.” Congress has instructed the Federal Government to establish programs to take children away from their parents, place them in custody of the State and rear them according to State-ordained programs and activities. There is no prohibition or restriction on any sort of instruction so long as it affects the child and is approved by the authorities.

**PROGRAMS REMINISCENT OF NAZI YOUTH MOVEMENT**

Child development proposals go further than providing for government-controlled nursery schools, Headstart programs, or kindergartens. They provide for programs to keep the child away from parents. The Secretary of HEW is instructed to program a 24-hour day by providing for specially designed health, social, and educational programs. Just when the parent is allowed time with the child apparently depends on the comprehensive program or the person administering it.

This power grab over our youth is reminiscent of the Nazi youth movement; in fact, it goes far beyond Hitler's wildest dreams or the most outlandish of the Communist plans.

**ENTER CHILD PROTECTIVE AGENCIES**

The law provides for in-home services and training in fundamentals of child development for parents, older family members acting as parents, youth, and prospective parents. The law is clear that where it is impracticable to replace the parent with the State, then the bureaucracy would train those functioning in the capacity of parent as a paid agent of the State.

Child development proposals should remind us of Communist teachings on destruction of the family unit. Leon Trotsky, writing in “The Revolution Betrayed,” 1936, commented, that “you cannot ‘abolish the family, you have to replace it.’”

“The hand that rocks the cradle rules the nations!”

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**At a protest in San Diego California.**
On January 31st, 1974, President Nixon signed Public Law 93-247, The Child Abuse Prevention and Treatment Act (CAPTA). This act ostensibly addressed a growing awareness of the problem of child abuse (ranked by some polls as one of the three most pressing national problems in the early ’70s). It resulted in effects more far-reaching and consequences more devastating than the designers could have imagined.

Federal Congress

Congress unsuccessfully proposed multiple child protection bills during the period from 1964 to 1973, but it was Walter Mondale’s adoption of this potent issue in his movement toward presidential candidacy that resulted in CAPTA’s ultimate success. He championed this relatively non-controversial issue, using the well remembered phrase “Not even Richard Nixon is in favor of child abuse!”

Social legislation was not widely popular at that time, but child abuse was a potent archetypal issue that everyone understood emotionally, and therefore acted as a powerful bond tying national “pulse points” to candidate recognition. The success of this unidimensional argument remains remarkably effective - Janet Reno’s popularity soared when she claimed child abuse intervention as the purpose for the Waco Texas raid that incinerated 87 children and adults.

It is of interest to consider some of the key testimony before CAPTA during the sub-committee hearings of 1973. Under Walter Mondale’s probing, Brandeis professor David Gil linked an increase in factors adverse to family life among the poor to a concomitant increase in abuse found among that social class. Class character distinction then, as now, was politically incorrect, and discussion which should have moved investigation in that direction was actively thwarted. More than once, skillful questioning by Mondale deflected problems of neglect and focused on abuse. This deflection stood in stark contrast to the vastly greater scope of the problem of neglect, which has its roots firmly linked to poverty.

The Director of the Washington DC office of the Child Welfare League of America, William Lunsford, articulated the resultant dichotomy in terms of the medical view versus the state’s view. Medical professionals define abuse as an individual problem to which individual treatment must be applied. Child welfare services, however, view the government as a provider with equal or greater responsibility in bringing up a child. As in most bureaucracies, global programs and universal maxims are easier to apply than individual treatment. The committee’s neglect of fundamental problems in favor of a simple “stop beating the child” approach, ultimately supported punitive social agency response instead of facilitating family health and stability.

An even more important minimization occurred in debate around the proper role of the state in the upbringing of children. To retain the powerful single issue quality (necessary for voter support) of the proposed legislation, child abuse had to be separated from the parent’s right to discipline the child. This was accomplished with the help of the gripping testimony of Jolly K., former child abuser and founder of Parents Anonymous. She spoke of how her children were almost killed in incoherent rages, and how powerless she felt to stop the frenzy once it began. Her figurative example of sin (compounded by the complicit lack of public response) and redemption (to be supplied by programs to be funded under the law) skewed the discussion in the direction of physical abuse alone. The subcommittee saw only one ‘sin’ (physical abuse) and one ‘redemption’ (governmental intervention).

In its nascent form CAPTA primarily provided minimum funds to study and collect information on the extent and nature of child abuse and neglect. Its final form, however, replaced simple investigative funding with a comprehensive series of restrictions and rewards. Most important of these were the criminal penalties to be levied against professionals who did not report suspected child abuse, and the availability of federal funds to those states which passed laws which conformed to the federal act. As Barbara Nelson states in her seminal book Making an Issue of Child Abuse, “National child abuse legislation was good for its sponsors, good for the professionals who supported it and constructed on the faith of good intentions and the hope that the whole of all categorical social programs will be greater than the sum of their parts. This is rarely so.”

Nelson’s statement is born out in numerous incidents, of which the Swan Case (Washington) is a fairly typical example. Bill and Cathy Swan each spent over 3 years in prison on child abuse charges which were supported by evidence so contradictory and misleading that Harvard Senior Law Professor Charles Nessen refers to the Swan case in his classes as the worst miscarriage of justice in the American Legal Profession. Nessen also wrote an amicus curiae brief to the court of appeal urging the case be overturned. In an ultimate parody of justice, the Swan case is now precedent for the use of hearsay evidence to corroborate hearsay evidence.

State Legislative Response

By 1976 many states were well into a funding crisis following the recent recession. Significant potential federal
funding provided motivation for rapid passage of laws which conformed to CAPTA’s requirements. If one compares the rapidity with which states changed laws related to child abuse with their speed in adopting other federally supported social programs, the results are astonishing. Instead of the 15 to 25 years it usually takes for federal mores to percolate down to the state level, all 50 states passed within 5 years laws that entitled them to take advantage of these federal social welfare funds.

The speed of adoption and the related lack of legislative investigation brought with it a host of problems, many of which will take the next decade to rectify. Not the least of these was the problem of “outplacement.” Title IV-E Federal funds require outplacement or removal of children from their immediate and/or extended family to a foster or group home.

One can charitably surmise that the framers of CAPTA considered only the most critical cases deserving of radical intervention. The resultant creation of a vast bureaucracy of children’s aid agencies, supported by contradictory and poorly written laws, has instead motivated case workers to strive for outplacement at the expense of reconciliation. The amounts of direct and indirect moneys that states receive from the federal government as a result of CAPTA are substantial.

In addition to Title IV-E funds, Social Services Medicare/Medicaid funds (Title XX) are available for flexible disbursement. These two pots constitute the bulk of federal money flowing into the state child welfare coffers. The state of Oregon in 1992, by way of example, with less than 700,000 total families, receives about $80 million (direct) per biennium in federal matching funds - or approximately 40% of the total child welfare budget. Most states are much more aggressive in qualifying their programs, receiving 80% or more budget reimbursement from the federal government.

Social Service Agencies

As the burden of mandated child protection has shifted from the parent(s) to the government, a continuous redefinition of what constitutes abuse has occurred. The lines between physical abuse, neglect, and sexual abuse have been blurred, even though the causes and cures for these problems are vastly different. Child welfare agencies over the last 20 years have re-shaped their original charter of child protection to one of punitive response. Quoting from The Oregon Child Protective Services Performance Study of 1992, “Part of the reason for this change is the increasing disparity between what counts as abuse or neglect from a legal and [mental health] professional point of view and what is imagined by the public when the words “abuse and neglect” are used. The former is a far broader concept than the latter, and in fact the majority of abuse and neglect complaints do not involve any assault, either physical or sexual, upon the child, which is the public’s image of abuse. Indeed, most reports do not involve even an incident which the agency can verify occurred at all.”

From the agency’s point of view, however, these changes are sensible, since they contribute to sustained department funding and continuance of existing programs, and provide for increased power, responsibility, and job security. The ultimate well being of the family unit in general or child in particular is usually not of concern.

There remains a significant problem with the redistribution of responsibility from the parent to the government. It requires only an anonymous phone call to start an investigation, in which the first response is to remove the child. Poverty places single mothers in a predicament where they cannot refrain from acts that fall under the new definition of neglect. Case histories abound of good mothers who ran to the corner store for milk, only to have the child removed for years, often life, because of a few minutes of “abandonment.” Government funding to provide services which help the indigent mother are rejected in favor of services which provide federal reimbursement.

Discipline in some states has been defined to be abusive if it includes any form of coercion, such as requiring a child to take a time-out when they don’t want to. Raising one’s voice over a screaming teenager to request quiet can be and has been defined as emotional abuse. Adolescents are taught that they are “violated” if a parent enters their room, even after knocking, without express permission.

Corporal punishment has been banned in most states for the last decade, and affection in the form of a hug or squeeze from an opposite sex parent is readily defined as sexual abuse by super vigilant social workers. Children are warned to watch for affection as evidence of potential pedophilia in classrooms all around the nation. This is in spite of the famous studies completed in the 1960’s that specifically linked childhood development and intelligence to physical touch and holding.

Day care workers must now tell children to hug each other since they as adults are prevented by law from providing what all previous human history had defined as proper nurture of children. Not suprisingly, social workers and psychologists have defined a new form of sexual abuse among children, and are seeking to label even pre-school children as sexual predators.

Different cultures are also suspect as exemplified in Washington, where two pre-school children were removed from their Swedish parents when the weekly family saunas were uncovered in a “good touch - bad touch” training session at the children’s pre-school. The children were unaware of their peril in responding affirmatively to the question “Has anybody seen their parents without clothing?” In this case the children were severely traumatized by the mandated immediate removal and multi-week separation from their parents. Ultimately the family fled back to their native Sweden to prevent further repercussions.
Children are becoming increasingly aware of their power over parents; they learn from peers and schools just exactly what they do and don't have to do. In many states, Florida, Washington, Colorado, and Oregon being key examples, children cannot be required by their parents to do anything, from washing dishes to going to school. Testimony offered before the 1993 session of the Oregon legislature documented a sharply increasing number of cases where teenagers made false reports on their parents, simply because they were angry about a parental restriction. In every case known to the author, the teenagers were removed from their families, sometimes permanently, and to their great sorrow. It is not possible to reference by name or case the families affected, due to the potential for repercussions against them by the Children Services Division.

Noted child psychiatrist Dr. Richard Gardener of Columbia University addressed this problem of punitive agency response in several national articles. He notes that proper training of case workers to administer their increased responsibility (and vastly superior enforcement advantage) in governmental family control is almost criminally lacking.

Many states require case workers only to have a high school education which is supplemented with a two week course in completing forms. This may explain why two of the compelling indicators of pedophilia the state of Washington Child Protective Services applied to the father of four year old Alicia Wade was that he was in the Navy and he was overweight. This in spite of the fact that the police actually apprehended and prosecuted the prowler who did molest Alicia in her bedroom. It took 4 and 1/2 years and a federal court order before the Wades were allowed to see their daughter again.

Families in Retreat

How then does the government perceive the effectiveness of the children and family services programs, and how does the public respond? The Oregon Child Protective Services Performance Study of 1992 provides some universally applicable insights. Contracted to the University of Maine by the Oregon legislature, participants in the study team included primarily persons with long backgrounds in child welfare social services - hardly an unbiased team. Even so the results were profoundly disturbing to those who read the report carefully.

The study praised Oregon's child protection services as one of the best in the nation, and yet the members were "immediately struck by the level of public hostility towards Childrens Services Division as an agency. In experiences ranging from newspaper accounts dealing with CSD to attending public meetings to listening to clients, to casual conversations ... the lack of support for CSD has been revealed again and again."

This experience is in keeping with various family groups across the country who are now recommending that a child be kept home until accidental bruises (due to normal childhood activities like climbing trees or biking) completely fade. School teachers are required by CAPTA to report any bruise or statement that might be construed as potential child abuse (with criminal penalties if personal judgment is used).

In attempting to understand the ubiquitous animosity toward children's services agencies, one should consider a number of related laws, methods, and networks which combine to create a situation never properly investigated in the simple minded preparation of CAPTA. Again from the Oregon study: "One might have guessed that, if anything, the law would define a wider range of child maltreatment to be reported and investigated than the range of child maltreatment that can lead to juvenile court proceedings. After all, a far smaller proportion of cases require the drastic remedy of juvenile court proceedings [with the almost rubber stamp long term removal or termination of parental rights] than those which require investigation and services. Yet, the definition for reporting and investigation is in fact narrower [emphasis added] than the definition applicable to juvenile court proceedings."

The study goes on to state that this is due first in order to comply with the reporting requirements of CAPTA, and second because the "definitions in the reporting act have fundamentally different effects on the operations of agencies [read: financial impact and reimbursement] and courts than language delineating child maltreatment in the juvenile court act."

Completely ignored in the study, but documented by experts like psychologists Dr. Gardener (Columbia), Dr. Lee Coleman MD., Dr. Stephen Ceci (Cornell), Dr. Richard Ofshe (Berkley), is the effect and industry created by prevailing laws and social agency tactics. Just as in the 1950's fear of communist domination created the defense industry iron triangle and McCarthyism, in the 1980's and 1990's fears have created an industry which could be called the victim abuse triangle.

The players in this triangle are the social protection agencies, the lawyers and juvenile court system, and the mental health profession. The part played by social agencies can be understood in the framework presented above; specifically the power to enforce their decisions coupled with the concept of government right above personal rights, and exacerbated by the abysmal lack of training. Lawyers and juvenile courts are not disposed to change a system they are familiar with and which provides continuous employment for their profession.

In the state of Oregon in 1993 over 22,000 cases of child abuse were entered, of which a large proportion required one or more juvenile court hearings. Testimony before the 1993 legislature indicated that parents who were not completely indigent were routinely stripped of thousands of dollars in legal fees through attempting to regain the rights to their children. Most of these families were low-income and impoverished by the court proceedings. Those that were able to retain their children were placed in the position of extreme financial hardship for years to come,
and usually required to pay for long term weekly counseling by a state approved therapist. The dictated counseling is little more than a hostage release requirement enforced by agencies with little or no accountability.

An argument in favor the current system would be acceptable if child protection were truly engendered. Douglas Besherov, the first director of the National Center for the Study of Child Abuse and Neglect (established as a result of CAPTA), has reported otherwise. In the late 1970's the center stated that the ratio of false reports (of child abuse or neglect) to true was about 50%. By the mid 1980's the probability of correct reporting had declined to 1 out of 3, and by the 1990's Mr. Besherov has stated that there are approximately 9 false reports for every true one. Statistics from the American Humane Association's 1986 study “Highlights of Official Child Neglect and House Reporting”, agree with Mr. Besherov. They reported that 195,000 of the 328,000 child sexual abuse reports were unfounded. Other comprehensive studies of the remaining 133,000 found that 70,000 to 90,000 were probably falsely accused also.

These statistics do not sit well with the mental health profession which has seen an unprecedented growth in the area of state-mandated family and child counseling. However, their complicity is suspect just from the manner in which references are supplied from juvenile court hearings. Almost every children's services agency in the country has a core of mental health workers they use to evaluate each child brought in.

Mental health professionals who are willing to validate the pre-disposed conclusions of case workers will continue to receive referrals as a result; those that don't won't. Since removal of the children from their family is almost always the first response of children's agencies to any reporting, psychological evaluation is a required if the agency wishes to continue to deny family reunification where no evidence of abuse exists.

**Mental Health Therapy**

Many whose families have been irretrievably damaged have alleged a conspiracy among mental health professionals. Citing debacles like the McMartin case, the Kelly Michaels case, the Daniel Akiki case, the Sousa case, the Swan case, or the Little Rascals Day Care case, a clear argument for complicity can certainly be made (and may in fact be true for those cases). In general, however, the mechanism by which psychiatry became enmeshed in law is a labyrinth of paths and agendas, most of which were initially independent of child welfare.

It began with the use and abuse of the insanity plea in the late 50's and grew to such proportions that by 1981 the general public was outraged to see John Hinckley declared not guilty of the assassination attempt on President Reagan, in what was just a classic and well accepted insanity defense.

Not all of the psychiatric profession is happy with the carte blanche power they have been given. The American Psychiatric Association (APA) filed an amicus curiae brief with the Supreme Court in 1983 proclaiming the inability of psychiatrists to predict violent behavior. However, the legal systems in this country have accepted almost universally that a psychiatric evaluation provides an accurate understanding of the current and future potential state of the examined in matters from violence to depression to sex to pedophilia.

This belief has been widely promoted by the media and well accepted in the general population. The Supreme Court responded to the APA argument saying “The suggestion that no psychiatrist’s testimony may be presented with respect to a defendant’s future dangerousness is somewhat like asking us to disintegrate the wheel,” and “To accept such argument would call into question other contexts in which predictions of future behavior are constantly made.”

As Dr. Coleman states in his book Reign of Error, the court needed to continue to use the worthless predictions, “otherwise the bankruptcy of our society's widespread use of these judgments would become so obvious that dozens of social policies would be suspect.”

Unfortunately it stands in stark contrast to what research psychiatrists have been saying all along. Dr. Coleman goes on to document studies in the 1960's and 1970's which demonstrated conclusively that psychiatric predictions of dangerousness were no better that flipping a coin - and were in fact worse due to hidden personal factors that often led to injustice. Almost every scientific outcome based study (i.e. utilizing accepted statistical methods and principles) which examines psychiatry, psychology or mental health has shown that the probability of correct diagnosis is random at best.

In juvenile and criminal court hearings, however, the evaluation of the mental health specialist contributes from 25 to 50% of the weight of the final decision. Social workers tend to base their entire argument on the mental health input. This may be in part due to the large case load and inadequate time to investigate as should be done in any proper evaluation of child abuse allegations.

As the public has blindly accepted the inerrant mental health premise, poorly trained or unscrupulous therapists have discovered a gold mine. Insurance companies and the public have become the bank for costly therapies and settlements. Testimony given on various talk shows by recanters (persons who were convinced by therapists that they were victims of abuse and later denied it ever having happened), revealed that therapist’s fees in excess of $300,000 over several years are not uncommon.

Other therapists working closely with juvenile courts provide penile plethysmograph diagnosis on demand for a fee. Lawyers unaware of the utter lack of scientific basis (and rejection as invalid by the AMA) often recommend...
that an accused parent comply with the social services agencies' demand for this test. This bizarre investigation hooks the genitals of the accused to sensitive electronics which record responses to previously acquired (usually confiscated) videos of child pornography.

Prisoners serving time for sex crimes provide the control group for this "scientific" measurement. Only one diagnosis is possible, regardless of response: subject is a potential pedophile. No social workers have been willing to submit themselves to the same inspection.

**Justice for All**

A complete understanding of the problem is not possible until the role of the justice system is covered. A quick history of judicial response to criminal law is required. Prior to 1970, criminal law was based on the concept of innocence and guilt, as determined in trial by jury. Then in 1971 a case occurred which had far reaching implications. In Santobello vs New York a plea bargain deal with the district attorney was not honored by the judge during sentencing, and was subsequently appealed to the Supreme Court.

In their review of the case the court made a landmark ruling that established plea bargaining as constitutionally acceptable, and the resulting agreement between the D.A. and accused as binding. At the same time, America was riding a get-tough-on-crime agenda, and prosecutors were being pressured to bring more and more convictions to prove their effectiveness to the public. Plea bargaining provided a bonanza for the D.A.'s. Defendants who accepted a plea bargain reduced time and money spent on more convictions, thus validating their effectiveness to the community they pledged to serve.

Criminals and lawyers picked up on the system very quickly and learned to use it to their advantage, bargaining with the D.A. over the plea agreement to maximum advantage. In most areas of activity, criminal indictments were over 98% accurate, and the guilty party could almost always be counted on to acquiesce to plea bargaining. The alternative of jury trial boasted a conviction ratio of better than 3-to-1, and a much harsher sentence.

One significant problem, however, was that in order to motivate plea bargaining, those who refused to bargain had to be made an example of in order to keep the conviction train rolling. This problem has been eminently recognized - even entry level college political science courses teach that no matter how many prisons are built, there will be filled to capacity under the current system. There is direct empirical evidence for that statement. America incarcerates up to 80 times more per capita than any other civilized nation. Numerous cases have been documented by columnists like Phil Stanford of the Oregonian where an innocent party was encouraged to plea bargain by their lawyer, completely unaware of the future impact a criminal conviction would have on their life.

Prosecutors will generally bring an indictment if (1) there is credible evidence, (2) the defendant doesn't appear unimpeachable, (3) the prosecution witnesses do appear unimpeachable, and (4) it is politically expedient (read: popular vote getter).

Into this environment comes alleged child abuse, which is politically a sure vote getter, where hearsay evidence is admissible, where the defendant can be refused the right to confront his accusers, and where the defendant is emotionally devastated and somewhat incoherent due to the absurd nature of the accusations. Parties guilty of child abuse or molestation, aware of their risk in a court case, almost always plea bargain.

Innocent persons, however, tend to be ignorant of the legal system, and believe they will be acquitted. If they are indigent counsel is appointed. The average case receives about $600 legal and investigative services, against which is arrayed the unlimited pockets of the D.A.

Sir William Blackstone stated famously that it was better for ten guilty men to go free than for one innocent man to be convicted. Place this statement against the background of child abuse allegations, in which 9 out of 10 reports are false, and where therapists are creating a revenue generating class of victims. One must ask who is the victim and who is the perpetrator.

One such case was that of 22 year old Kelly Michaels, in which a counsel who had not even completed law school was appointed to defend her against multiple counts of sexual abuse. Her lawyer's anemic defense allowed the prosecution present evidence to support charges so patently ridiculous that her conviction was a crime.

Fortunately, after spending only five and one half years in prison, an appeals court threw out her conviction, stating that the case presented against her was fraudulent. Most innocent defendants are not so fortunate.

This country has not been immune to gross injustice, as a result of hysteria, throughout our 200 plus year history. From the Salem witch trials to McCarthy, special groups have been singled out for disclosure and destruction. What makes the current injustices so devastating in their application is that they strike directly at the fundamental unit of any structured society - the family.

Although Europe is no stranger to these tactics, having within the last generation thrown off both a Holocaust and the Gulags, this is America's first real foray into a national hysteria of similar epic proportions.

That may also be the reason Europe has not seen fit to follow America into our current divergence. From inauspicious beginnings come great results, both good and evil.

The time has come to rethink CAPTA and consider children for what they are, individuals that breathe and love, not statistics to be used.
Government bonuses accelerate adoptions

By Troy Anderson
Staff Writer

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Bonuses that Los Angeles County and other government agencies get from the federal government for each foster child placed in an adoptive home act like bounties on the heads of children, critics say.

The 1997 Adoptions and Safe Families Act gave counties a $4,000 bonus for each child placed in an adoptive home and an additional $2,000 for a “special needs” child. On Dec. 2, President George W. Bush signed legislation increasing the bonus by $4,000 for children adopted at age 9 or older.

Since the program was implemented in 1997, the federal government has paid $445 million in adoption bonuses. Critics say the law places a premium on putting children in foster care and accelerates the time frame for severing parental rights.

“I think it’s black-market baby marketing,” said Encino resident Diane Lynne Ellison, 59, who has served as a foster parent for more than a decade. “If they see a baby, they swoop in on it.”

For foster children who cannot safely be returned to their families, county Supervisor Michael D. Antonovich said, adoption is the best way to provide them with a loving, stable family.

“If they don’t have this love and support, the consequences of them being left in the world are staggering,” he said. “More than two-thirds of them will end up in cemeteries or penal institutions. That is unacceptable.”

David Sanders, the new head of the Department of Children and Family Services, agreed that children who can’t safely be returned home need to be placed in adoptive homes, but he has his concerns.

“What you have now is an incentive to initially remove the child and an incentive to adopt them out,” Sanders said. “I think when you put these two together, there is a problem.”

Adoptive parents receive $424-$1,337 per child a month, depending on whether the child has special needs. About 75 percent of children in foster care are now labeled as “special needs,” qualifying their caretakers for the higher payments, experts say.

Adoptive parents can receive even higher payments — $1,800-$5,000 a month — for disabled children.

A former DCFS child abuse investigator, who requested anonymity, said adoptions of children are “pushed through at all costs” even before adequate background checks are made of prospective adoptive parents, because DCFS officials want to get the federal adoption incentive.

Since 1997, when 530,000 children were in foster homes nationwide, more than 230,000 have been adopted. But more children have taken their place, and 540,000 are in foster homes now.

California has seen adoptions of nearly 20,000 children since 1999 — a 140 percent increase over the levels in the preceding several years — and received $18 million in federal Adoptions Incentive funds, the most of any state in the nation. It received $4.4 million this year.

Los Angeles County has placed more than 11,000 children in adoptive homes since 1998, and collected $3 million in adoption bonuses in 2001-02, the most of any county in the state.

Some critics say the adoption incentives have only served to fuel the needless removal of children from their parents, pointing to a nearly threefold increase in adoptions in the county in the first few years after ASFA passed, although the number of adoptions has dropped from 2,900 in 2001 to 2,121 last year.

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Adoptive parents can receive even higher payments — $1,800-$5,000 a month — for disabled children. The average amount of time it takes to adopt a child in Los Angeles County is one of the longest in the nation at 5.2 years compared to 3.9 years in New York City. The state of Illinois averages 11 months from the time parental rights are terminated.
SAN MATEO CO — A San Mateo County employee is suspected of embezzling more than $1 million by issuing checks for “phantom” foster children that she created in a computer.

Jacquelyn Yvonne Adams allegedly rigged the computer in the Human Services Agency to issue checks in behalf of the phony children that were payable to her friends and relatives, who were listed as caretakers.

Adams appeared briefly in San Mateo County Superior Court yesterday but did not enter a plea to charges that include felony theft of public funds and embezzlement. Court Commissioner Joseph Gruber ordered her back to court tomorrow to enter a plea.

Adams was arrested Saturday and was in custody yesterday in San Mateo County Jail. Bail is set at $1 million.

“There was a loophole in how the procedure is set up” to issue checks that pay for foster care, Deputy District Attorney Peter Lynch said. “She took advantage of the loophole. . . . Anytime you have that much money, you would hope they would have some way to catch it.”

Adams, 47, worked as a benefits analyst for San Mateo County beginning in 1990. As a benefits analyst, she could open accounts for emergency payments for foster children by bypassing the usual approvals and court documentation, according to the affidavit.

She also apparently used computer codes that belong to other people in the county’s foster care division, records show. County officials said yesterday that they are investigating why the fraudulent payments were not caught until a bank reported suspicious checks.

In April 1996, Adams allegedly opened a case for three children and their mother. At some point she also allegedly opened a second case for a family with six children.

None of the people exists, according to prosecutors.

Authorities said Adams issued checks in behalf of nonexistent children to her daughter, Trayse Bryant, 26; her niece, Tina Elliot, 29; a friend, Zena Marie Thomas Warren, 38; and Alison Roberts, about whom prosecutors know little.

Bryant was arrested but was released because she is eight months pregnant, Lynch said. Arrest warrants have been issued for the other three.

The scheme came to light April 18 when Bryant tried to cash two checks at a Bank of America branch, according to the affidavit.

A clerk noticed that one check for $9,376 was made payable to Bryant in behalf of a child allegedly in foster care. The second check in the same amount was made payable to the Family Life Center, a foster care facility in Petaluma, in behalf of Bryant — as if she were a foster child.

Both checks were mailed to an Antioch address. The bank clerk alerted supervisors to the contradiction of Bryant being listed on both checks. County officials checked records and discovered dozens of checks made out to Adams’ friends and relatives during the past four years. Lynch said that the total is “substantially over $1 million” and that prosecutors are still trying to determine the total.

The last entry for one of the “phantom” foster families is April 18, according to the affidavit.

Maureen Borland, director of the Human Services Agency, said there are several checks and balances in place to prevent fraud. How Adams allegedly was able to continue the payments for years is being investigated “to determine exactly where the breakdowns were and figur(e) out how we need to tighten up the system,” she said.

Because of the criminal charges, Borland said, Adams has been fired from her most recent job as an employment specialist for San Mateo County, to which she was promoted last June.

Lynch said the county will try to recover the money. He said Adams recently purchased three new vehicles and a home in Antioch.

Authorities say Adams apparently left at least one clue before the alleged scheme was discovered. Of the three children listed as part of one bogus foster family, the birth date of one boy was listed in records as two weeks after that of his brother.
If you suspect that your ex-spouse is molesting your child, don't report it to authorities. If you do, you risk losing custody to your child's molester.

Law professor John Myers has seen it happen time and again. "Abuse may have occurred, but the allegations can't be substantiated," says Myers, who teaches at the McGeorge School of Law in Sacramento. "The reaction often is, 'Oh, an allegation of abuse that comes up in family court? That must be a lie.' " When family court judges hear unproven accusations, they often assume that the accusing parent is lying in order to smear the other parent. That's a crime punishable by loss of custody. And, when it comes to child molestation, there rarely is any proof. The horrific consequence is that sometimes children are placed in the custody of their abusers.

There is a theory behind this madness. Dubbed "parental alienation syndrome," it supposedly occurs during custody disputes when an angry parent brainwashes the child into believing that the other parent is malevolent — often by making false allegations of sexual abuse. The theory, which almost always is applied to mothers, was formulated by the late Dr. Richard Gardner, a highly controversial New Jersey child psychiatrist. Gardner has shocked many of his professional colleagues with the tolerant views of pedophilia and incest he expressed in his early writings. Gardner has been criticized for faulty logic and sloppy science. According to Dr. Paul Fink, past president of the American Psychiatric Association, "Parental alienation syndrome is a junk science term invented by Richard Gardner. His belief system is based on no evidence."

Despite all this, Gardner's theory has been embraced by judges and lawyers across the country. "Parental alienation syndrome is being used more and more in custody and visitation cases," says Nancy Frease, a marriage and family therapist who does evaluations for the Marin County juvenile court. "But the whole phenomenon of an angry mother coaching her children to make false statements against a father and the children going along with it - I can say, in 13 years of clinical practice, I've seen a clear case of this maybe twice."

But PAS is in the eye of the beholder. Its proponents have broadened its definition, allowing it to be applied in more custody situations - for example, where charges of violence or emotional abuse are raised. "PAS is no longer relegated only to sexual abuse cases," says Joanne Schulman, legislative chair of California Women Lawyers and president of the San Francisco Women Lawyers Alliance. "Now it's in almost every case! Any case where the mom doesn't want to give the dad 50-50 custody, or whatever the dad wants, she's accused of attempting to alienate the child."

The National Child Abuse and Neglect Data System confirms 105,000 new cases of child sexual abuse each year; 47% of the confirmed assaults are committed by fathers, stepfathers, uncles and older siblings. But Gardner's contention that there is an epidemic of sexual abuse allegations in custody fights is not borne out by research. In a study of 9,000 disputed custody cases, fewer than 2% involved such allegations -- true or false. And when the charges are leveled, they're usually true. A team of researchers at the University of Michigan examined 215 cases and found that, in 156 of them, or 72%, it was "likely" that sexual abuse had occurred. But, of those likely cases, the judges disregarded more than half.

"People dismiss these cases without looking at the evidence," says Dr. Kathleen Faller, who conducted the Michigan study. "There's a high degree of skepticism in the [family] court about any allegation of bad acts made by one parent against the other, and that filters down to how the child protection case is handled. Part of that arises because Child Protective Services has too much work to do, and one way to sort of get out of it is to say, 'this belongs to the [family] court, and to not actually investigate it. There are a lot of horror stories out there — a lot of children who have been abused and who continue to be abused who have no legal recourse."

Even when CPS does substantiate an allegation of abuse, it's usually not prosecuted. "The reason so many cases don't get prosecuted is because you typically have the word of a child against the word of an adult without corroborating evidence", says Frease. "There rarely is any medical evidence. Most molestation doesn't involve penetration or bodily injury. It often involves fondling or things that are not going to leave bruises on a child."
In the rare instance of a prosecution and conviction, the judge may still decide its irrelevant to the custody dispute. In one high-profile case, Manuel Saavedra won custody of his two daughters in San Joaquin County court despite having been convicted of fondling his 13-year-old niece. His wife, Debra Schmidt, divorced him shortly after the fondling incident and he was initially placed under supervision during his visits with his daughters. Saavedra, an illegal Chilean immigrant, had been ordered deported, and he often threatened to kidnap the little girls. While the deportation order awaited appeal, Saavedra allegedly came to Schmidt’s home and raped her in front of the older daughter. The girl described the violence she witnessed to a therapist. Saavedra’s attorney denied the charge and countered that Schmidt had coached the daughter’s statement. The family court mediator decided the mother was alienating daughter from father and convinced the judge to lift the supervision requirement. The horrified mom fled to Texas with the kids.

The judge punished Schmidt by switching custody to Saavedra, and the district attorney’s office issued a fugitive warrant to have her and the children returned to California. But the state of Texas refused to cooperate. The statement from Governor Rick Perry’s office was, “The governor does not want to do anything voluntarily that would result in the children being turned over to their father, who is a child molester.” The state of California sued Texas in federal court, and Perry finally extradited Schmidt in August. The little girls are now staying with the parents of Schmidt’s first husband in Austin, under a protective order from Texas officials. Their mom sits in Santa Rita Jail, refusing to return her daughters to Saavedra’s custody. His deportation order is still pending, and may languish for years.

In this case, since there was a conviction, there was no dispute over whether abuse had taken place; the judge simply chose to ignore it. Sometimes judges just don’t want to address sex abuse in custody cases, and they’ll go to great lengths to avoid it. In one instance documented in the University of Michigan study, the judge took a report of abuse from a family clinic and threw it to the floor, then refused to hear testimony about it.

Idelle Clarke lost custody of her daughter to her ex-husband in Los Angeles family court after social workers determined that he had sexually abused her repeatedly. A family court judge dismissed the sexual abuse charge, deciding that the girl - who was eight years old when she first described the abuse - had been coached by her mother to lie. The children’s services department filed an appeal, but promptly dropped it when the father, a well-fixed executive in the entertainment industry, sued department staffers. The child was placed in her fathers custody in 1998 and Clarke has been fighting the decision ever since. Recently, she won three powerful allies. Judicial Watch, the California chapter of National Organization for Women, and the Leadership Council for Mental Health, Justice and the Media are all submitting briefs to the appeals court in her behalf.

Meanwhile, Clarke’s daughter, now 15, claims that her father continues to molest her. She has written a number of letters to her court-appointed attorney, pleading for help. But the attorney is an ardent proponent of parental alienation syndrome. “The attorney for the child simply refuses to represent the interests of the child,” says Sterling Norris of Judicial Watch, whose brief on Clarke’s behalf will include that point. The same attorney appears as moderator in a series of instructional videos on PAS sold by the L.A. County bar association.

The proliferation of PAS theory is partly due to the marketing savvy of Richard Gardner. Videos and seminars on the topic offer lawyers credit for continuing education. Gardner himself tours the U.S. and Europe doing training sessions, and his disciples do training as well, spreading the gospel of PAS throughout the world. Gardner also has a series of self-published books that he markets through his own website and through fathers rights groups.

Alan Rosenfeld, a Boulder-based attorney, says PAS is spreading “like an infection. I practice in every region of the country, and it’s all over. When someone gets into the system who believes in PAS - it may be a guardian ad litem or a psychologist who does a lot of court-ordered evaluations - all of a sudden, that becomes the predominant solution or diagnosis to every contested custody case. Because it’s such an easy answer to hard cases: threaten the mom with losing custody if she doesn’t stop making these charges. Then you don’t have to worry about child abuse. And the judges are lazy. If they have a psychologist who’s got good credentials who tells them what to do, they do it.”

Another explanation for the appeal of PAS is that the thought of child abuse, particularly by a parent, is so repugnant that we’d rather not believe it. And if the accused parent seems to be respectable, it’s even harder to believe. Evaluator Nancy Frease says that appearances in these cases can often be deceiving. “If you think about what kind of man would molest his child and accuse his wife of fabricating the story and coaching the child, you’re looking at someone who’s fairly narcissistic and sociopathic,” she says. “And these kind of people can present very well. They can look concerned, appropriate, loving - while the mother may look fairly nuts. She’s convinced her husband is getting away with this, she’s in crisis because she believes something awful is happening to her child. So she’s yelling and screaming and trying to get her case across and looking more inappropriate by the moment.”

Law professor Alan Scheflin says it helps the molester’s case when he’s affluent. “You often have a wealthy father with a certain amount of reputation and prestige in the community - the kind of person about whom one would say, ‘oh, he wouldn’t do something like that’ - who can buy off a series of lawyers and psychologists and experts,” he says. “And you generally have a semi-frantic, semi-hysterical woman on the other side, who’s fearful not only
of her children being taken away from her, but put in the hands of people she believes are molesting them. And she has very little resources. And the emotionality of the women will contribute to the judicial perception that they're kind of crazy."

Schefflin, who teaches at Santa Clara University law school, has been showered with honors over the years from the American Psychological Association and other professional groups for his expertise in brainwashing and mind control. For the last ten years, he has appeared in courts as an expert witness, sometimes going toe-to-toe against Gardner, whom he calls “the P. T. Barnum of science he's been able to media-hype himself to the top of his profession. Any time he wanted to write an op-ed letter or be quoted, the New York Times would accommodate him. So because Hess in the Times, [people think] he must be right. But nobody goes back and checks the original data. If an independent, neutral group of people studied his data and his reports, they would find that this [PAS theory] is all made up.*

Stephanie Dallam, a researcher with the Leadership Council for Mental Health, Justice and the Media, did look at Gardner's data and published an analysis of it. “I found that all of his assumptions have been disproved,” she says. “And if you disprove the assumptions, you should put the theory to rest. But rather than change his theory, he ignores the facts. So his theory is not science, it's ideology.”

Gardner concocted his theory, in part, from research that was done in the '70s by psychologists Joan Kelly and Judith Wallerstein. They interviewed a group of Marin County children and their divorced parents to see how the breakup affected their mental health. Their findings were published in a 1980 book, “Surviving the Breakup: How children and parents cope with divorce.” Kelly and Wallerstein noted that some children would take sides in the divorce, aligning with one parent and rejecting the other. Gardner elaborated on that theme, theorizing that angry mothers engineer this alignment by poisoning the children's minds against their fathers. To discourage such behavior, he recommends the mothers be punished with loss of custody, limited access to their children, fines and jail time. Children who refuse to visit one parent should be punished, too, he says, by serving time in a juvenile detention center or a foster home.

Kelly and several of her colleagues grew uncomfortable with the Frankenstein monster that the original research had become in Gardner's hands. “We decided that Gardner’s formulation had some real problems,” says Kelly. “One of them is that it's never been empirically tested. And there are legal problems. It's been used simplistically in a lot of places. Any time a child resisted visiting, there was a knee-jerk reaction to say, ‘ahl parental alienation!’ So we blame the mother. End of case. And a lot of lawyers supported that. The fathers are going into court saying, the mother has obviously alienated the child against me, it's her fault. And some of those fathers have been abusive or violent."

So Kelly and her colleagues organized a task force to come up with a reformulation of PAS that they call “the alienated child,” which they published in July in Family Court Review, the journal of the Association of Family and Conciliation Courts. Rather than painting one parent as a vicious manipulator, the other as the victim and the child as the pawn, Kelly focuses on the psychology of the child. And, rather than seeing the child's relationship to the parent in black-and-white terms – either alienated or normal — Kelly describes shades of gray, where the child may feel closer to one parent than the other, or may feel estranged from one for good reason. One of those reasons may be emotional, physical or sexual abuse.

Kelly also disagrees with Gardner's punitive solutions to perceived alienation. “We have taken him to task for his draconian recommendations”, she says. “We would prefer therapeutic interventions that work on, why is this kid alienated? How can we work with the rejected parent and the child, and the alienating parent and the child? Most of us would not recommend change of custody.”

They would, however, recommend enough therapy to keep the local psychologists and family counselors busy indefinitely. “You have a therapist for mom, a therapist for dad, a therapist for the child,” says Carol Bruch, a research professor at University of California at Davis School of Law. Bruch has analyzed the Kelly reformulation in a paper to be published soon in the Family Law Quarterly. “In addition, they recommend that there be a special master — who is entitled to make a great number of judicial decisions with no attorneys present. It's a highly intrusive, highly coercive, very costly scheme. [The parents] can be spending $500 a week without blinking. You can end up with no property left afterwards, and not necessarily have gotten anything for your money.”

Kelly was highly ambivalent about granting an interview. She had just received an unsigned, accusatory letter, headed, “WE ARE WATCHING YOU.” Kelly and the 31 other Marin psychologists, lawyers and judges named in the letter are charged with “illegal custody switching” connected with “pedophile protection programs,” “taking kickbacks, suppressing evidence, rigging court cases for profit.”

It's not the first time Kelly has been targeted. Last year, she says, she and her “task force” started getting e-mails saying we were known to be associating with pederasts and that we were promoting men that had abused their kids to be primary parents. It's unbelievable. It just takes you aback. These allegations have no bearing on reality. Most of us in this field - the psychologists who deal with children in these high-conflict custody cases - care deeply about children's well-being. To be accused of siding with child abusers is so out of the context of what we've spent our lives doing, it's appalling.”
The attacks seem to come from one or more individuals on the extreme fringe of a movement to reform family court. Three highly publicized Marin County cases in the last several years have brought attention to the issue of alleged child abuse in custody cases. Paula Oldham was jailed in 1994 for kidnapping her daughter in the belief that she was being molested by her father. The girl has been in his custody ever since. Carol Mardeusz also lost custody to the father she thought was molesting her daughter and was jailed for attempted kidnap last year. That case sparked a special election in June that failed to recall the district attorney. And Jonea Rogers, who believed that her daughter was being molested but wasn’t sure by whom, went underground with the child after being threatened by the court for making allegations.

These cases — along with a number of others in which apparent cronyism seemed to skew judicial rulings — have served to mobilize family court critics seeking reform. Adding to their outrage was a scathing privately commissioned report published last year by New York consultant Karen Winner. She examined several hotly contested cases with questionable judicial decisions, and charged one judge and a commissioner with corruption. A Pacific Sun investigation revealed a group of lawyers who called themselves the “Family Law Elite Attorneys,” or FLEAs, who enjoy close ties to the judge outside the courtroom and consistently favorable decisions inside. There was picketing and protests, then a series of unsuccessful recall campaigns against four Marin County judges and the district attorney earlier this year.

Behind the brouhaha is a tangled mix of well-founded criticism, paranoia and hysteria. The dynamic resembles the development and propagation of PAS itself. The theory is based on behavior that most people have observed: when parents split up, children often choose sides and are sometimes furious at the one who left; and some parents try to interfere with the relationship between the child and the ex-spouse. The observation was interpreted by a somewhat nutty psychiatrist with a flair for self-promotion and an apparent grudge against mothers, then taken up by judges, lawyers and psychologists looking for easy answers.

Similarly, some court-watchers have observed bias, unwillingness to consider evidence and seemingly nonsensical judicial rulings. These could all be symptoms of nothing more nefarious than ignorance and laziness. But some believe there’s a conspiracy.

Cindy Ross, the California director of the National Alliance for Family Court Justice, has been amassing documents for the last two years, looking for connections between fathers rights groups, government grants and all the court-connected professionals who cite PAS in custody switches. “PAS was devised as a legal strategy to protect child molesters and suppress evidence of abuse and shift blame to mothers,” she says. “The courts are getting kickbacks, essentially.” Ross believes that federal welfare and child support enforcement funds have been directed to fathers rights groups intent on switching custody from mothers to fathers. And somehow, some of this money is going to judges who share the wealth with their colleagues, the court-appointed mediators, psychologists and special masters. “This whole perverse corruption scheme was devised primarily by pedophiles and incest advocates,” she says. (Although Ross’s rhetoric sounds strikingly like the language in the letter Kelly received, she denies having written it. It may have been sent by an impressionable follower of hers.)

Law professor John Myers says that many mothers who feel they’ve been railroaded in court try to make sense of what happened by resorting to conspiracy theories. “They tend to think that the judges are paid off,” he says. “And there’s no evidence that that’s a common problem. But wouldn’t you think that? If you’re trying to protect your kid and you’re telling the truth and the system doesn’t work, it’s real tempting to find an explanation by thinking that the system is corrupt. And then you’re really viewed as a wacko.”

Parents are caught in an insane system. They can lose custody of their kids either for reporting suspected abuse or for not reporting it. “If you don’t move to protect your children from an abusive situation, you can be held to be a neglectful parent and you can even have your children removed from you,” says Professor Carol Bruch. “On the other hand, you’ve got someone claiming there’s parental alienation going on. So you are between a rock and a hard place.” Small wonder that parents like Paula Oldham and Jonea Rogers give up on the legal system entirely and go underground. Of course, kidnapping is a federal crime and viewed as further proof of their unfitness as parents.

“If you suspect your child is being abused,” says Myers, “my advice is to hold back, to wait, until you can begin to piece together a more convincing case. The thing to remember is that the person who makes the allegations in our legal system has the burden of proof. If you don’t meet the burden of proof, you lose.”

That’s tough advice for the parent who has to listen to her child’s reports of abuse. Ask Idelle Clarke. “I can’t begin to tell you what it feels like,” she says, her voice dropping to a whisper, “to have your child sitting on your lap, showing you how her father licks his fingers before putting them in her private parts. And to try to hold her arm back so that she doesn’t keep doing it. I had to speak out. I couldn’t have lived with myself if I didn’t.”

http://nafcj.org/custodyswitch.htm
In the debate over gay marriage, strikingly little attention has been paid to the impact on children. Some question the wisdom of having children raised by two homosexuals, but the best they can seem to argue is that serious flaws vitiate the literature defending it.

Almost no attention has been devoted to what may be the more serious political question of who will supply the children of gay “parents,” since obviously they cannot produce children themselves. A few will come from sperm donors and surrogate mothers, but very few. The vast majority will come, because they already do come, from pre-existing heterosexual families. In Massachusetts, “Forty percent of the children adopted have gone to gay and lesbian families,” according to Democratic state Sen. Therese Murphy.

Sen. Murphy seems totally oblivious to the implications. “Will you deny them their rights?” she asks. With some 3 percent of the population, gay couples already seem to enjoy a marked advantage over straight ones in the allocation of supposedly superfluous children.

But whose rights are being denied depends on how deeply we probe and what questions we ask. Granting gay couples the “right” to have children by definition means giving them the right to have someone else’s children, and the question arises whether the original parent or parents ever agreed to part with them.

Not necessarily. Governments that kind-heartedly bestow other people’s children on homosexual couples also have both the power and the motivation to confiscate those children from their original parents, even when the parents have done nothing to warrant losing them.

Sen. Murphy formulaically asks us to take pity on “children who have been neglected, abandoned, abused by their own families.” But this is far from the whole picture.

Ever since the federal government became involved in the child-abuse business some 30 years ago, governments nationwide have had the means and the incentive to seize children from their parents with no due process finding that the parents have actually abused their children. The 1974 Child Abuse Prevention and Treatment Act (CAPTA, also known as the Mondale Act) provides generous financial incentives to states to remove people’s children under the guise of protecting them. In the aftermath of CAPTA, the foster-care rolls exploded, as children were torn from their parents and federal funds poured into state coffers and foster-care providers. According to the Child Welfare League of America, “There were many instances then, as now, of children being removed unnecessarily from families.” Many foster homes were far more abusive than the families from which the children had been removed.

But the federal government, ever ready to create a new program to address the problems created by its existing programs, had a solution. The 1997 Adoption and Safe Families Act provided more federal money to transfer children from foster care into adoption, enlarging the client base of stakeholders with a vested financial interest in available children. Gay marriage expands this client base still further.

Among the states that have taken fullest advantage of this gravy train is Massachusetts. A typical case is that of Neil and Heidi Howard, whose children were seized by the state’s Department of Social Services (DSS) with no charge of abuse against either parent and no evidentiary hearing. DSS tried to put the children up for adoption and were prevented only by lengthy court proceedings and extensive publicity in the Massachusetts News. Other families are not so fortunate.

This traffic in children has been in full flow since well before gay marriage. Belchertown attorney Gregory Hession alleges a “child protection racket” rife with “baby stealing and baby selling.” Hession describes courts where the hallways are clogged with parents and children being adopted. “You could hardly walk. You had never seen such
Stephen Baskerville, Ph.D., is Charlotte and Walter Kohler Homosexuals – rights that entail powers of totalitarian puritanical bigots who want to deny equal rights to led to view social conservatives, however unjustly, as out for leadership to rescue the family but which has been exposed to ever more contempt from a public that is crying Failure to grasp this nettle will leave social conservatives "no-fault" divorce machine.

The number of truly abused children cannot begin to fill this demand without government help. We know that statistically child abuse in intact two-parent families is rare, and two-thirds of reports are never substantiated. Yet even in those instances of confirmed abuse, a little digging reveals the pernicious hand of the government generating business (and children) for itself.

Child abuse is overwhelmingly a phenomenon of single-parent homes. Government and feminist propaganda suggest that single-parent homes result from paternal abandonment. In fact, they are usually created by family court judges, who have close ties to the social service agencies that need children. By forcibly removing fathers from the home through unilateral or "no-fault" divorce, family courts create the environment most conducive to child abuse and initiate the process that leads to removal of the children from the mother, foster care, and adoption. Gay adoption is simply the logical culmination in the process of turning children into political instruments for government officials.

What this demonstrates is that same-sex marriage cannot be effectively challenged in isolation. Opponents must bite the bullet and confront the two evils that pose a far more serious and direct threat to the family than gay marriage: the child protection gestapo and the even more formidable "no-fault" divorce machine.

Failure to grasp this nettle will leave social conservatives exposed to ever more contempt from a public that is crying out for leadership to rescue the family but which has been led to view social conservatives, however unjustly, as puritanical bigots who want to deny equal rights to homosexuals – rights that entail powers of totalitarian dimensions, undreamed of before the sexual revolution.

Stephen Baskerville, Ph.D., is Charlotte and Walter Kohler Fellow at the Howard Center for Family, Religion, and Society and president of the American Coalition for Fathers and Children. The views expressed are his own.


A nationwide program born of juvenile court’s frustration with getting insufficient information from overburdened caseworkers may, at best, have no effect on abused and neglected children, and, at worst, make their lives more difficult.

An evaluation of the Court Appointed Special Advocate, or CASA, program, released this week, says children assigned a CASA volunteer are more likely to be placed in foster care and are less likely to return home than similar children without one.

CASA volunteers are assigned by judges to conduct independent investigations of the family circumstances in which a child has been abused or neglected. Allegheny County's is one of more than 900 local CASA organizations across the country.

The study, conducted by Caliber Associates of Fairfax, Virginia, with a grant from the David & Lucile Packard Foundation, was released at the National CASA annual conference in Washington, D.C.

CASA was created in 1977 by an exasperated Seattle judge who believed the volunteers would help give the background judges needed to make good rulings. The study shows, however, few differences in the well-being of children who had CASA volunteers and those who did not.

"In some cases, children with a CASA volunteer looked worse: they were more likely to be placed in out-of-home care, and for some, less likely to be reunified or in kin care than children who did not have a CASA volunteer.

These differences were dramatic."

In addition, the study says, the typical volunteer spent no more than 3.2 hours a month on a case and, when the case involved a black child, that dropped by an hour.

While 40 percent of youngsters in the child welfare system are black, CASA volunteers were assigned to black children only 31 percent of the time. The opposite was true for white children: 38 percent in the system are white, but 48 percent of those given CASA volunteer were white.

Kathleen Moore, executive director of Allegheny County's CASA program, said her volunteers are not permitted to deal with more than one family at a time and typically work between 15 and 20 hours a month on a case.

She said, if a volunteer were giving only 2.2 hours a month, as the report suggests the average black family receives, the program is not meeting national CASA standards.

Also, she said, there is no significant discrepancy between the percentage of black children in the system and the percentage assigned a CASA volunteer in Allegheny County.

Richard Wexler, executive director of the National Coalition for Child Protection Reform, said the study confirms what critics have suspected for years: "CASA is one more thumb tipping the scales of justice against families."

http://www.post-gazette.com/pg/04160/328535.stm
Military dads fall victim to child-related injustices

Military service costs some men their children

Jeffery M. Leving and Glenn Sacks
Tuesday, March 16, 2004

Laws granting deployed soldiers special protections against civil legal actions date back to the Civil War, but few of these protections extend to family courts and family law. As a result, military men’s service to their country often creates the conditions under which they can become victims of injustices.

Military service costs some men their children. The federal Uniform Child Custody Jurisdiction and Enforcement Act provides that if a parent moves a child to a new state, that state becomes the child’s presumptive residence after only six months. Because a normal military deployment is six months or longer, if a military wife moves to another state while her husband is deployed, by the time the husband returns the child’s residence has been switched and the wife is virtually certain to gain custody through the divorce proceedings in that new state.

The restrictions on military personnel’s ability to travel, the high cost of legal representation and the financial hardships created by child and spousal support obligations make it difficult for returning service personnel to fight for their parental rights in another state. Many struggle even to see their children, much less remain a meaningful part of their lives.

To solve the problem, the federal Soldiers’ and Sailors’ Civil Relief Act of 1940 must be amended to prohibit the spouses of active-duty military personnel from permanently moving children to another state without the permission of the active-duty spouse or of a court. In addition, the UCCJEA should be modified to state that the presumption of new residence does not apply if the children are taken in this fashion.

>>Another problem for military fathers is paternity fraud. According to Carnell Smith, executive director of the National Family Justice Association, many deployed soldiers are preyed upon by “father shoppers” who falsely name them as the fathers of their newborns.

“The military provides a steady, easily garnished income as well as medical care for the baby,” Smith says. “It’s hard to contest paternity when you’re thousands of miles away and losing a good chunk of your income to child support. Sometimes the time limit for contesting runs out and the guy ends up on the hook for 18 years of child support simply because he served his country.”

Several states (not including Hawaii) have addressed the problem through legislation that allows fathers more time and greater judicial flexibility to challenge paternity findings.

A third family law problem exists for fathers who serve as reservists and who have child support orders. Support orders are based on civilian pay, which is generally higher than active-duty pay. When called up, a reservist sometimes pays an impossibly high percentage of his income in child support, which hurts his current family. Because those who fall behind in child support are charged stiff interest and penalties, a returning reservist may spend years working to pay off arrearages. Some could even face arrest and incarceration.

Normally, when an obligor loses his job or suffers a pay cut he can go to court and request a reduction. But since reservists are sometimes mobilized with as little as one day’s notice, few are able to obtain modifications before they leave. They can’t get relief when they return home because the Bradley Amendment prevents judges from retroactively forgiving support.

The solution is legislation like Missouri’s, which requires an automatic adjustment of support for reservists when they are called up for active duty.

Navy veteran Taron James, who has joined 600 other victimized veterans to form Veterans Fighting Paternity Fraud, believes these injustices constitute a breach of faith.

“When soldiers go off to serve they shouldn’t have to worry about being taken advantage of while they’re absent,” he says. “Some of the guys making sacrifices abroad while being put through the ringer here at home must be wondering why they bothered.”

Jeff Leving is the author of “Fathers’ Rights: Hard-hitting and Fair Advice for Every Father Involved in a Custody Dispute.” Glenn Sacks is a syndicated radio talk show host whose columns on men’s and fathers’ issues have appeared in dozens of newspapers nationwide.
Family: CPS returned twins two months ago

By Sam Stanton and Christina Jewett — Bee Staff Writers -

Published July 17, 2004

Sacramento County Child Protective Services took custody of Vanessa Rose Hackett’s twins in May but returned them to her a few days later, less than two months before the 21-year-old mother allegedly shook them to death in a rage, family members said Friday.

Hackett, who was charged Thursday with two counts of murder in the babies’ deaths, had been receiving parenting support and advice from a county program since the twins were born April 16.

But after the May arrest of the twins’ father for allegedly stealing from the Target store where he worked, she began to have trouble caring for the baby girls and her 18-month-old daughter, according to her mother, Julie Sugden, and her uncle, Scott Wagner.

The twins’ father, Ernest Dashon Noel, 26, was the primary caregiver for the babies, Wagner said, and when he was jailed briefly in May on embezzlement and theft charges, Hackett had problems caring for them. That same month, the twins ended up in one of the county’s crisis nurseries, nonprofit centers that provide temporary care for children whose parents are in crisis.

Sugden claimed her daughter knew she could not care for the babies alone and sought help in getting them to the crisis nursery for treatment of severe diaper rash and thrush.

Nursery workers found the medical conditions to be so severe that CPS was called, according to family members and a source close to the case. CPS placed the children into protective custody and had them kept at the nursery. But after a few days, according to the family, the agency determined the children could return home.

“Somehow, something in CPS got dropped, and I don’t think everything got done that could have been.” said Wagner, who contacted The Bee by telephone from Nevada and identified himself as Sugden’s brother. Wagner said Hackett was on welfare and had been having financial difficulties. But he said no one in the family had any ink-ling that the girls might be in danger.

“All the family is very upset about the situation,” he said. “We never saw it coming. If we had seen something coming, we could have prevented it.”

Sugden, who also lives in Nevada and spoke to The Bee by telephone, said her daughter was a special-education student who graduated from Del Oro High School in Loomis in 2001. She had no siblings and never babysat young children, Sugden said.

“She had never changed dirty diapers and things like that,” Sugden said, adding that her daughter had held only one job - at a Taco Bell - that lasted just a couple of weeks.

Sugden said she last spoke with her daughter Tuesday night by telephone, and that nothing seemed amiss. She spoke with Hackett’s 18-month-old daughter, Mercedes, and hung up.

Police say Hackett became frustrated later that night when the twins would not stop crying and that she shook them violently.

County officials say they cannot discuss details of the case because of privacy laws.

But a source close to the investigation confirmed CPS had custody of the twins in May after the crisis nursery reported there might be a problem.

The girls, Akira Kiana Noel and Alexia Dominique Noel, were placed in protective custody while CPS workers investigated to determine whether Hackett was fit to care for them, the source said.

After a few days, the twins were reunited with Hackett, a process that would have occurred after an inspection of her Franklin Villa home, the source said. “There were no signs of abuse,” the source said, and although there were indications of some level of neglect, it was not enough to warrant keeping the children.

The decision to return the girls to the home in the 7300 block of Franklin Boulevard raises questions about what condition it was in at the time and how often follow-up visits were made by case workers.

Police say that when they entered the home Wednesday, responding to a 911 call from the mother, they found squalid living conditions, including piles of soiled diapers in the bedrooms and kitchen.

Jim Hunt, director of the county’s Health and Human Services Department, said he could not comment on the family’s claims and that the case is under investigation to determine CPS’ involvement.

He said in general when children are taken into protective custody, investigators conduct probes to determine what risk the family poses and whether they have the proper support available.

Typically, the children are released within 72 hours if CPS is satisfied they will be safe, Hunt said. Otherwise, the agency will file for a court order to have the children placed in foster care.

The agency never filed in court asking that they be placed in foster care. However, the family was being seen regularly by a county-funded agency that provides free counseling and guidance to new parents.

That agency, Birth & Beyond, which is run from the health department’s offices, came into contact with the family shortly after the twins were born. According to the source, the hospital where they were born contacted Birth & Beyond and said the family would need help.

A Birth & Beyond counselor began visiting the family regularly, the source said, giving advice on parenting, nutrition and other issues.
Sugden said the counselor helped Hackett take the twins to the crisis nursery in May, when she felt she could not care for her children.

The Birth & Beyond visits continued after CPS returned the girls to their mother. On July 2, the worker took the twins and Hackett to a doctor so the infants could be treated for a diaper rash and thrush once again, the source said. The doctor who treated the children saw no signs of abuse or indications that the children were in imminent danger, the source added.

The last Birth & Beyond visit came Wednesday, when the worker went to the home but was refused entry by Hackett, two sources have told The Bee. That prompted the worker to contact CPS officials, who prepared to go to the home and called police for backup. Before authorities arrived, however, police say Hackett called 911 and told a dispatcher the babies were dead. Hackett and Noel were arraigned Friday in Sacramento Superior Court, but did not enter pleas.

Hackett faces two counts of homicide, two counts of assault resulting in the death of a child under 8, and five counts of endangering the life or health of a child. Noel faces two charges of assault resulting in the death of a child under 8.

“It does seem to be a young family under a lot of stress,” said Linda Parisi, the public defender appointed to represent Hackett.

Officials are investigating all aspects of how the county dealt with the family, including how frequently Birth & Beyond counselors had been inside the home. The case is reminiscent of two 1997 cases involving young children who were left in the care of their families even after CPS had opened cases on them.

Adrian Conway, 3, and Rebecca Meza, 2, died in separate incidents after CPS decided there was not enough risk to warrant removing them from their respective homes.

CPS officials have said the agency’s procedures have changed markedly since those deaths.

About the Writer

The Bee’s Sam Stanton can be reached at (916) 321-1091 or sstanton@sacbee.com.

Letter to the Editor

Dear Sam,

I wanted to comment on this article “CPS returned twins two months ago” and Child Protective Services (CPS).

The problem CPS is having is due to the massive number of children it has placed into foster care. Children are taken from parents that aren’t that bad, and put into foster homes that aren’t that good, all to reap the federal financial incentives. This has been going on since a law known as CAPTA was enacted in 1974. In America, it is estimated that 3,000 children a day are taken from their parents for various reasons, many are the result of an anonymous call to a hotline from a disgruntled neighbor. Some children are returned, some are placed in foster care whether they need it, or not.

When my boyfriend’s little girl was taken by CPS two years ago, it was not about protecting her from an abusive parent. It was about dishing out therapy from about 12 court appointed therapists, making him attend anger management class, parenting class, co-parenting class and finally reunification therapy. In my opinion, he didn’t need any of these services but he had to do them all if he ever wanted to see his daughter again. By taking his daughter, she provided funding to the county CPS agency who received funding from the federal government. Like so many parents, he was merely caught up in a custody battle with his ex for his daughter and CPS stepped in and retained custody of this now 7 year old.

By the way, the funds for foster care come from our social security trust fund; a surprising fact that not many people are aware of. Ever wonder why they say Social Security is broke? How could it support all the children CPS has taken into custody since 1974? How could it support all these foster children until they turn 18, even after they are adopted out to government funded foster and adoptive homes? Taxpayers also pay medical benefits for these children too. And a vacation allowance. And the money foster parents get is tax free. Wow, what a deal! Better than having your own kids!

Did you know that the real cost of foster care runs between $50,000 to $150,000 per child, per year when considering all the therapy and visitation centers, foster family agency involvement, attorneys and judges, etc?

Please download a copy of an Expose’ on the Child Abuse Industry by going to: http://familyrightsassociation.com/users/media/expose/expose.html. This document was made for the media and the public to better understand why CPS couldn’t do their job and returned these twins to an abusive home.

The Expose’ points out the system is over-run with children who should be returned to their families so that CPS can do its job and protect children like these twins who actually needed intervention. CPS is obviously distracted with children like my boyfriend’s daughter who should never have been taken in the first place.

I know what the mantra is: CPS will say, “we need more funding so we can do a better job”. That is the universal excuse when stories like this one surface. How about taking away the financial incentives to farm out children to foster care? How about returning thousands of children to their parents that are being held needlessly in foster care? In Los Angeles County alone, the family courts and CPS have now returned 5,000 children to their parents that CPS admits should never have been taken in the first place. They still have at least 25,000 more kids to send home, but 5,000 is a good start. The article appears in the Expose’.

If the media reported the real facts about CPS, funding for foster care, and the abuse children endure in foster care, we would be one step closer to solving this huge problem. CPS and the family courts hide behind confidentiality laws and both are allowed to continue the abuse it dishes out to children and families. Only if the public is made aware of these problems will this agency and the courts ever be held accountable for its actions.

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The unwarranted seizure of children from non-abusive, non-neglectful homes has become a national problem of staggering proportions. At any given time, there are, now, more than a half of a million children in State custody. It has been estimated that nearly one out of every twenty children in the entire United States can be expected to undergo investigation this year. Nearly three-and-a-half thousand children go into government custody, every single day. That means that, nearly every two weeks, as many children go into government custody, as there were American soldiers killed during the entire span of the Vietnam War. Counting the last 30 years or so, the victims of our Juvenile and Family Courts amount to one of the largest groups of people ever subjected to human rights violations in all of world history.

The new bastions of “child abuse protectors” and “social engineers,” who are out to build a better world, have destroyed more families here in America than all of the wars, plagues, and pestilences that America has experienced throughout its entire history.

Since State governments began using the precious children of our nation as hostages, the lurid “abuse and prevention business” has truly blossomed. By 1997, this “abuse prevention” was costing America some $285 billion/year. So, we see that this expense was, already - some six years ago - more than seven times as large as the present annual budget for the new Department of Homeland Security, which includes twenty-two major governmental agencies that have now been combined to form the largest conglomerate of bureaucracies that has been established in more than half a century. In fact, there are, now, thirteen times as many State agents attempting to enforce child support, as there are drug agents enforcing the war on drugs, worldwide - and that’s without including the many private collection agencies, which now abound!

Nearly one and a quarter million children now come under government surveillance each year in America. However, only about three percent of the children who are being seized or taken into custody are ever found to have been physically abused - while the children who ARE taken into State custody, suddenly, have from eight to eleven times greater chance of being abused, than those who remain in their own homes.

Although most States have laws requiring a speedy trial to test the anonymous allegations against the parent (within thirty-five days in Florida); it is often nearly a year, before the parent even gets a partial chance to tell a Judge their side of the story.

The “child abuse industry” has emerged as a massive political machine that thrives and grows by systematically traumatizing children and destroying families. The Family and Juvenile Courts and their ancillary bureaucracies have begun, more and more, to resemble organized crime syndicates and have become so ruthless and cynical that they now callously and maliciously use vulnerable children to pursue their insidious and vindictive goals of plundering and terrorizing any parent who will not fully and instantly submit to their under-handed, black-hearted, hate-ridden, tyrannical traducements.

What we have, in other words, is a system of bureaucratic terror, which is now actively tearing apart intact families to feed its insatiable greed for fraudulently bilked federal dollars. It is tyrannical system that is hell-bent on destroying families and innocent children; a system that is maintained by sending children into foster care, in order to gain financial benefits that are obtained through defrauding the federal government. It is a system that is now marketing the nation’s babies on the open (and/or black) market by means of the internet (see www.adoptuskids.org), in order to reap federally granted “bonus awards.”

The unchallenged growth of the Family and Juvenile Court System, in the past three decades, threatens us all. These Courts can totally ruin the lives of people who aren’t even charged with anything. Often there is nothing more to the alleged dispute, than people judging other people on whether or not they are “good” people - according to their own arbitrary opinions.

These Family and Juvenile Courts, have a vested interest, though, in being overburdened; because that immediately calls for expansion - and the main beneficiaries of such growth are those who toil in or on the fringes of this legal community. Charles Dickens put it ever so aptly, when he wrote: “The one great principle of the law is to make business for itself.”

These Family and Juvenile Courts have become a major “growth industry.” And, the natural resources being eaten up by this “industry” include, in particular, fatherhood and the family unit.

There is little protection once one of these specialty courts focuses its attention on a parent. These Courts easily get around trivial annoyances such as burden of proof, presumption of innocence, and rules of evidence. They routinely violate Due Process, and Equal Protection Rights that are guaranteed under the American Constitution. The system moves into a parent’s life and does nothing to help. Their only goal seems to be the utter destruction of the family and the poor children who have become entrapped in this sinister web of corruption.

Numerous studies have uncovered festering collusions of corruption within the Child Protective Services; corruption that is deeply embedded; corruption that is causing an “invisible family holocaust” of unparalleled proportions in our nation. Also, time after time, special commissions have uncovered scandals within the Family and Juvenile Law Industry and the associated Bars that support them. These investigations have shown, over and over, that families are being systematically and recklessly destroyed through unlawful adversarial practices; yet, this juggernaut of evil barrels on, full speed ahead.

Slavery officially ended over 100 years ago, but traffic in human beings still exists. This degradingly deplorable trade is what more and more people are coming to know as “the child-abuse industry.” And, this atrocity is largely propelled by the never-ceasing flow of federal funds, which have been made available through inappropriately drafted laws. But, the money is flowing and business is booming! In fact, this insidious sedition can - even in this time of national economic recession - easily, be seen to...
have become one of our country's major "growth industries," while the true flag of child protection flies at half-mast for the millions of innocent children who are being needlessly drugged and traumatized by this ongoing subversion of society.

This "war on child abuse" is headed by the largest and most out-of-control bureaucracy in the entire United States; each day conducting thousands of kangaroo courts, in which every parent is guilty, until proven innocent. Abuses and errors in judgment are common. Instead of receiving comfort and encouragement, innocent parents are often drawn into a system that has a pathetic record of protecting the children entrusted to it and a grizzly history of family annihilation.

When any group possesses the all-powerful ability and resources to instantly intrude upon a person's liberty, then that entity had better play by the rules! No law enforcement culture can be condoned, which allows the callous pursuit of conviction that is insufferably tied to mandatory services that - more often than not - further destroy families and traumatize children. And, no intelligent nation should permit such a calloused system to usurp the pursuit of credible justice.

This nation's Child Protective Services have a long and appalling history of fraud and corruption, which cannot be ignored. Together with their co-conspiratorial collaborators, they have established a system of justice that cannot be trusted. They routinely resort to imposing extortion and intimidation upon victims under stress and duress; and they have become devious masters of coerced compliance that is implemented through illegal and underhanded means.

Are we to believe that these Child Protective Services are attempting to pursue credible justice through reasonable means by relentlessly breaking our laws; or, are we to accept the premise that they are protecting families and children, by repetitiously violating the Constitutional Rights, State Rights, Fundamental Rights, and Human Rights of these individuals?

Child Protective Services, throughout the nation, advocate the liberal use of psychotropic drugs to manage the children under their care and place an ever-growing reliance upon paid informants who eagerly await opportunities for special favors from the Court; and upon involuntary medical, psychological, and psychiatric evaluations, which are mandated by Court Order to generate extra-trial discovery through secret testimonies that are specifically intended to discredit the defendant; while augmenting the prosecutor's case, which is often built upon straw and must be buttressed by a cascade of insidious lies.

Secret Hearings are the norm; and making sure that their own ass is covered has become the paramount concern of these Child Protective Services. Should we to allowing this secretive and mendacious bureaucracy to pillage the very foundation of civilized society by arrogating to itself the traditional role of parenthood and blatantly usurping age-old parental prerogatives, through persistent, invidious misfeasances, nonfeasances, malfeasances, and maladministrations of every imaginable kind - that are shamelessly commingled with out-right, brazen, criminal actions?

When the superficial structures of civil government begin to impede upon and trespass against the deeper fundamental, God-given rights of parental guidance and the familial bonds of blood, through malicious and illegal means to the open infliction of harm and to the flagrant detriment of the welfare of vulnerable children; then the government agencies responsible for such reprehensible behavior have flagrantly overstepped the bounds of their rightful control; which bounds have been clearly established by the Constitution, as well as by the self-evident rights given to all by God; rights that predate and supercede the private agendas of these frivolous, self-aggrandizing, out-of-control, governmental, social service agencies, which have presumptively placed themselves above and beyond the law and have purposely set themselves at variance with God's naturally intended rights and freedoms.

Belligerent, malevolent, and forever-maledicent agencies, that impede and/or openly obstruct justice and deliberately deny the citizens of our nation due process under law, are to be abhorred and scorned, until such time as these malefactors have proven good faith and a willingness to assist and encourage the families and children of our nation. The malicious destruction of our families, the egregious exploitation of the innocent, and the profane subversion of our children's hopes, values, and faith should not be tolerated or allowed.

It is criminal, despoiling, detestable, and purulent in its unscrupulousness to tear families to shreds, through the malefic use of falsifications that spring from malice aforethought, and to warp children's God-given allegiances, through the insidious use of psychotherapeutic manipulations that are motivated by ill-intent and conducted for the express purpose of supporting those who are bilking the federal government through open fraud, in order to maintain their out-of-control, impersonal, "Abuse Industry" that is contemptibly using kids as "cash cows."

Agencies that participate in such venal scams show themselves to be utterly disgraceful, untrustworthy, and nauseatingly corrupt. Their rancid disaffections and antipathies, as well as, their putrid, superannuated villainies and violations of all that is righteous and good, deserves nothing less than the utmost contempt and disdain. Repugnance, revulsion, and loathing should unremittingly spearhead any thinking person's assessment of such agencies.

Despicable, legalistic, impersonal, heartless, malevolent, and ever-pernicious agencies that are hell-bent on trampling the Constitution of the United States of America and destroying the very bedrock of civilization should, undeniably, be brought to account and discovered for what they are.

Their vulgar and ignoble provocations and their incessant incitement of knowingly false condemnations and calumniations against struggling families should be construed as treacherously perilous and as an insufferable endangerment to the very foundations of our national strength; if not blatantly devastating to the very moral and legal nucleus of our society as a whole.

From: "rampantcorruption" stoptheslaughter@hotmail.com
Imagine living in a land where a bureaucratic agency, deeply entrenched, and answerable to no one reigns as the supreme authority in the land.

A land where children are considered property of the state, and are brutally ripped from their parents only to be consigned to often decrepit, abusive “foster homes” or “therapeutic” facilities.

Imagine living in a land where parents are considered by this agency as enemies of their own children, the parents who are vilified and maligned relentlessly, have false allegations and outright lies used to present a facade of legality for kidnapping their children.

Imagine living in a land where the falsely accused parents are considered “guilty until proven innocent”, and even after proving themselves innocent, are still considered guilty. In this land, parents are denied their children for the flimsiest of reasons; getting the electricity shut off, a child having diaper rash, the parents having an argument, any reason will suffice.

All the while, the kidnapped children languish for years, locked away in strange homes or “facilities”, growing despondent, and heartbroken while yearning for family and freedom. Children are brutally ripped from the parents who love them to become state property are then subject to be truly abused, starved, beaten, raped, drugged to control them, and all too often killed in these government sanctioned “homes” and facilities.

In this land, the parents are coerced to participate in government sanctioned, court ordered “programs” often at the expense of their jobs, their homes, their marriage, and sometimes even their very lives under the threat of never seeing their children again. These hapless parents are then placed on government “abuse registries” virtually guaranteeing that many of them will never be able to find suitable employment again.

After being compelled to participate in and enduring all the government mandated classes, evaluations, treatments, therapies, and submitting to having every detail of their lives, including their very thoughts, monitored by the government; most still do not regain their children.

In this land, entire families are shattered and destroyed to advance the agendas of agencies and individuals bent on eliminating the traditional family to bring about the government ownership of all children.

This isn't a description of life under a now defunct communist regime, this land exists in our world today, it isn't in some far off country, it isn't in some steaming third world jungle or in a country ruled by a despotic dictator bent on controlling every aspect of the people's lives...

This land is right here in America.

Yes, you read that correctly. Right here in the United States of America, families are under siege by government agencies which regularly and systematically rip children from their families unnecessarily. These agencies are known by various names throughout the nation, but whatever name is used, they are present in virtually every county in every state. These agencies are commonly known as “Child Protective Services” or “CPS”.

The Civil and human rights of the parents and the children victimized by these agencies are routinely ignored and intentionally violated in order to gain custody of the targeted children. Once children are removed from the home, often in midnight raids without a warrant or valid court order, it is next to impossible for parents to regain their children and extricate their families from the “system”.

All states and the federal government have statutes and regulations in place to protect families and children from being unjustly ripped apart; however, these are ignored or misapplied maliciously to gain another child at any cost. The courts, which should ensure that families are not destroyed unjustly and that rights are not violated have for the past three decades condoned these actions and have even assisted with this holocaust of the American family.
Why join the American Family Rights Association?

American Family Rights Association is dedicated to the purpose of halting and reversing the erosion of rights and liberties which are today being intentionally ignored or maliciously circumvented by the very agencies mandated to protect families as well as the courts which condone and encourage these violations.

The primary message of American Family Rights Association to families and individuals is that they themselves are the first line of defense in protecting their “inalienable rights” as endowed by their creator. Every citizen of the United States has sovereign inalienable rights; the constitution however does not by itself protect those rights.

Neither does the Constitution of the United States bestow these rights and liberties, these rights and liberties do not originate with government. All people are believed to have been “endowed by their creator” with certain inalienable rights. The Constitution of the United States is an instrument to be used to build a wall between intrusive or oppressive government and your family or yourself. The Constitution and Bill of Rights is written to protect your sovereign, inalienable rights. However, if you do not know and exercise your rights, the Constitution and the Bill of Rights will not protect you or your children.

Through a cooperative effort by it’s membership, American Family Rights Association exists to enable the families of this nation to educate themselves about their sovereign rights and liberties as families, individuals, and citizens. Through this cooperative effort, families are provided with the resources and support to stand up in defense of their rights and liberties in the face of blatant violations by government agencies and the courts, whether they are intentional or merely the result of uninformed arrogance on the part of the offending office.

To assist in the return to Constitutional Courts, wherein the rights and liberties of the family, children and individuals are upheld and staunchly defended; American Family Rights Association is engaged in a nationwide effort to increase public awareness of the need to know and defend these rights and liberties as individuals and citizens. American Family Rights Association is also constantly initiating and promoting efforts to enlighten the public, various legislative bodies, and the offending agencies themselves of the egregious manner in which families and children are treated under “color of law”. As an association, the membership believes that only by scrutinizing these systematic abuses of authority under the bright light of public exposure can the true form and extent of the current system of bureaucratic terrorism of the American family be accurately revealed and subsequently righted.

American Family Rights Association vigorously exercises the constitutionally enumerated right to redress the government for grievances in light of the exposure of these abuses on behalf of it’s member families and consequently, all families in concerted efforts to introduce true reforms of this system of abuse and exploitation of families.

American Family Rights Association, it’s member groups, and individual membership realizes that given the decades of misinformation and hysteria-mongering by these agencies in order to secure the public support for their existence and the continued usurping of the rights and liberties of the people in excess of the authority delegated to such agencies that exceptional dedication to righting these wrongs is required to return justice and liberty for all to this nation.

Visit www.familyrightsassociation.com
Visit these websites for more information.

www.familyrightsassociation.com
www.the-facts.com
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http://revolution2.us
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www.judicialwatch.org
www.ejfi.org
www.loislaw.com
www.hope4kidz.com

A hundred years from now it will not matter what your bank account was, or the kind of car you drove...but the world may be different because you were important in the life of a child.

www.childadvocacy.com