

## An Expose on the Child Abuse Industry Recognizing the Problems, Seeking the Solutions

A two-year investigation by a Los Angeles Newspaper Group found that the 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 sometimes more dangerous than the ones they left. This happens nationwide, not just in LA.

**The reason? It appears to be a twisted system of financial incentives that rewards states and counties for placing additional children in foster care—from \$30,000 to \$150,000 for each child.**

The reward system, which one expert called the “perverse incentive factor,” has led L.A. County and others to whisk children away from their parents when alternatives might have worked as well or 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. In my second foster home, I have lost 7 pounds in just 3 weeks. Now I weigh only 39 pounds at 6 years old. My dad's case plan is complete and I really want to go 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 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 accidentally 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.



I went to the police and CPS while seeking help in a women's shelter as I firmly believed that my son was being molested by his father, who is an attorney. The outcome of me trying to protect my son, caused CPS to place him in his father's custody. I now have only supervised visits which I can't afford. My son is exposed to unthinkable acts of abuse and his father's alcoholism. I will not quit being an advocate for CPS and judicial reform until this system is overhauled.



My dad had health problems and put me voluntarily in CPS custody for two-weeks. Even though he recovered, CPS sent me to a group home for more than 15 months. They put me on several psychiatric drugs and wondered why I developed behavior & health problems. Now, my dad is an advocate for CPS reform and they have retaliated against us by refusing to let me go home. We will never give up trying to reform this corrupt system.

# American Family Rights Association



**Dennis M. Hinger,  
Executive Vice  
President, AFRA**

***My name is Dennis Hinger. I am the Executive Vice President of the American Family Rights Association. I have been advocating for the rights of children and families since 1995 and would like to take this opportunity to share the information we have compiled in this handout. It is our sincere hope that all who read this, parent, professional, or concerned citizen, will find justifiable cause to start asking a few questions of your government officials and make some needed reforms.***

***The need to protect America's Children from abuse and neglect is the responsibility of every American citizen, yet many people don't know how powerful and frightening the child abuse industry has become. They are more powerful than the FBI or CIA in that they can remove your children from your home without a warrant and without cause. In many cases, children are never returned to their parents and are thrust into the overcrowded foster care system or into an adoptive home. This is done for profit, not for the protection of children. Children from poor families are particularly targeted, but everyone's children are at risk. The system must be reformed now. Don't take our word for it, please read the selection of articles we have provided.***

Our group, AFRA, is asking Congress to reform the child welfare industry, and consider our ideas and thoughts in the process.

- We have a petition that already includes over 100,000 signatures, that demands the Honorable Attorney General John Ashcroft place a consent decree on the Los Angeles County Courts.
- We request Governor Schwarzenegger order a statewide investigation and audit of CPS (DCFS) and the Juvenile Court System in all California counties.
- We request President Bush order an investigation into why Federal Funds that are spent for foster care, group homes, and adoptions result in children being removed from their families unlawfully and for obtaining federal reimbursements.
- We want nationwide case reviews and 50% to 80% of the children returned to their homes who were taken by CPS agencies for the federal funds. These agencies have received federal reimbursement due to putting these children into foster care and adoptive homes. We want the redirection of federal funding to provide services to maintain the children inside the home whenever possible.
- We expect to totally revise the system of child abuse prevention. We need to redirect federal funding; instead of putting children in foster care we should be providing in home services to resolve family problems before they develop in to child abuse and neglect. This is known as the Title IV-E waiver
- We need stiffer legal penalties for the real child abusers, not to be confused with poor families undergoing financial or social difficulties.
- Whenever criminal or TPR proceedings have begun, parents should have the right to trial by jury and protection of all due process rights.
- Whenever parental rights are terminated, custody should go to next of kin as a first priority not a foster parent who is working with a social worker conspiring against the biological parents.
- Many foster families are getting in to foster care solely to adopt children (fost-adopt). Caseworkers and foster parents should not be working together against the biological parents to secure the custody of their children.
- All CPS agencies should have a citizens review board that is made up of 50% parents who are not employed by the system, and 50% law enforcement, legal, medical, or licensed social service professionals. There should also be provision for appeal to an administrative law judge.
- Social worker immunity has to go! No more false reporting, falsifying documents and perjured testimony. Caseworkers must be subject to the same standards as everyone else.
- Change the anonymous reporting system to a 911 type of reporting system where the telephone number and address of the complainant and the content of the telephone call are documented. A trained police investigator instead of a CPS agent should take these calls.
- If an investigator determines if a child can be kept in the home, then CPS is called to provide temporary services to **help the family resolve their problems and stay together.**
- If there is criminal negligence or abuse, then we want stricter penalties. If a child has to be removed, a court order should be required and the rights of both parents and children are equally protected at all times. A judge should be on call for emergency situations and a hearing held within 72 hours of the child's removal.
- Relative placement should be considered first before foster care. Relatives should get the same compensation that foster homes get with criminal background and appropriate character checks done and relative care givers should not be required to obtain a foster care license.



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# Reform Child Protective Services . A Protest for CPS & Judicial Reform





Reform the Juvenile Court System . Return our Children . Save our Families



# Position Statement

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 custody in the United States. 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.** Child Protective Services routinely violates the Constitutional rights of parents and their children in the process of their “intervention”.

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. **CPS admitted recently in their own press release, that more than 50% of the children they removed from their natural parents could have stayed home. In California, there are an estimated 145,000 children residing in foster care. It can cost as much as \$150,000 per year, per child, to maintain these children outside their homes when you consider all of the costs.** This includes therapists, attorneys, judges, social workers, doctors, visitation centers, foster homes, foster family agencies, group homes, shelters, expert witnesses, police, and the huge cost to American families.

Although most States have laws requiring a speedy trial to test the flimsy and often anonymous allegations against the parent; it is often nearly a year, before the parent even gets a partial chance to tell a Judge their side of the story.

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 a 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; [www.adoptuskids.org](http://www.adoptuskids.org), in order to reap federally granted “bonus awards.” California, in the year 2001, received \$4,388,000 for its reward for increasing the number of children sent to adoptive homes over the previous year. This is 2.9 million dollars higher than any other state in America.

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 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.

This “war on child abuse” is headed by the largest and most out-of-control bureaucracy in the entire United States; Child Protective Services, 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.



**Interested individuals may contact the following  
for additional information.**

***Dennis M. Hinger, Executive Vice President, AFRA, (760) 839-1696  
[popsplace920@hotmail.com](mailto:popsplace920@hotmail.com)***

**and**

***American Family Rights Association  
[www.familyrightsassociation.com](http://www.familyrightsassociation.com)***

***Government Watch, Inc, Laura Koepke–President, 909 585-4633***

***The Facts, Al White-President, [www.the-facts.com](http://www.the-facts.com) &***

***Advocates for Children and Families, Charlie Wittman, [www.theacf.org](http://www.theacf.org)***

## ***DID YOU KNOW ?***

***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.***

*In a September 25 press release, CDSS Director Rita Saenz bluntly assessed why the agency has failed. “**The original vision for supporting and healing families through the child welfare system has deteriorated into an adversarial and coercive approach.**”*

*The result: In L.A. County alone, more than 160,000 children “came into contact” with Child Welfare in 2002; **30,000 are in foster homes** — only one form of foster care.*

*David Sanders, head of the L.A. County Department of Children and Family Services, reports that **as many as half of those foster children could have stayed at home with “appropriate services” rather than removal.** Thus, an L.A. Daily News headline declared that children are being “rushed into foster care,” where many remain.*

***If this holds true for the rest of California, we believe at least half of the 145,000 California children in state care should be returned to their non-abusive, innocent parents saving Californian’s billions of dollars a year, and restoring innocent families broken by CPS. Judge Michael Nash recently announced he would review the cases of 8,000 foster children in LA-DCFS to return home. (See page 15.) We are waiting for our children Judge Nash.***



# Foster care cash cow

## 'Perverse incentive factor' rewards county for swelling system, critics say

By Troy Anderson, Staff Writer  
Saturday, December 06, 2003 -

**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, say experts, 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.

Troy Anderson, (213) 974-8985 [troy.anderson@dailynews.com](mailto:troy.anderson@dailynews.com)

## **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/0,1674,200%257E20954%257E1814532,00.html>

# **Ways to care for an ailing foster system**

## ***Federal funds could help keep more kids at home***

**By Troy Anderson**  
**Staff Writer**

**Sunday, December 07, 2003 -**

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.

**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.

“Throughout this case, there is a stream of tales of sadness, desperation and despair,” U.S. District Judge A. Howard Matz said when he approved the settlement. “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.**

“There 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."

Troy Anderson, (213) 974-8985, troy.anderson@dailynews.com

<http://www.dailynews.com/Stories/0,1413,200~20954~1816348,00.html#>

# Private agencies diverting millions

## *Audits find parties, vacations, more*

**By Troy Anderson**  
**Staff Writer**

**Sunday, December 07, 2003 -**

Since 1998, county auditors have found more than \$9 million in unallowable or questionable expenses by the private foster-care agencies that have contracts with Los Angeles County.

**The audits revealed taxpayer funds were used to pay off Las Vegas gambling debts, call psychic hotlines and pay for jewelry, parties, lottery tickets, alcohol, vacations, antiques, artwork and even a cremation.**

**"They have abused both children and taxpayers,"** said Jon Coupal, president of the Howard Jarvis Taxpayers Association. "Particularly in these tough economic times, **the fact that money is being misspent this way is absolutely appalling. Local governments are screaming for more revenues, yet they are grossly misspending these funds, frittering away this money without any accountability at all.**"

Supervisor Michael D. Antonovich said the county should be reimbursed for those misappropriated funds.

**"There is no excuse for using money intended for foster children to cremate one's father-in-law or to use those funds at Victoria's Secret,"** he said.

**Some of the executives of the private foster care agencies that oversee the children receive up to \$310,000 a year in salaries and benefits, enjoy extravagant lifestyles and drive luxury cars provided to them at public expense, the county audits reveal.**

Some directors of foster-family agencies and group homes drive around in head-turning vehicles Jaguars, a Land Rover, a Cadillac Escalade SUV, Mercedes and Lexus provided to



them at public expense, according to the audits.

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.”**

Troy Anderson, (213)974-8985 [troy.anderson@dailynews.com](mailto:troy.anderson@dailynews.com)

## **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#>



# Report: Many Foster Children Needlessly Placed In Dangerous Homes

## County Receives Money For Each Child Placed In Homes

POSTED: 11:54 a.m. PST December 8, 2003

**LOS ANGELES — Up to half of Los Angeles County's foster children were needlessly placed in a system that is more dangerous than their own homes because of incentives in state and federal laws, a two-year probe has found.**

A *Daily News* investigation discovered that 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 said. 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.

"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.

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.

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# Judge Calls For Case Reviews Of 30,000 Foster Children

**Most Urgent Need For 8,000 Teens Close To Being Released From System**

POSTED: 1:05 PM PST December 10, 2003

UPDATED: 1:16 PM PST December 10, 2003

LOS ANGELES — A judge wants an unprecedented review of the cases of half of the 30,000 children in Los Angeles County foster homes to determine if they could be safely returned to their own families or relatives, it was reported Wednesday.

Juvenile Court presiding Judge Michael Nash, responding to a weekend article in the *Los Angeles Daily News*, said Tuesday **the most urgent need is for judges, attorneys and social workers to review the cases of about 8,000 foster children** — mostly teenagers — who have been in foster care for years and are about to turn 18, after which they will be released from the system.

"We need to closely review each of these cases as they come up and determine what is the most appropriate long-range plan for these kids," Nash said in remarks reported by the *Daily News*.

"For many of those kids, it will require us to go back and look at their family situations. **Are there responsible adults they can rely upon once they leave the system?**" Nash said. The *Daily News* reported Sunday that **up to half of the 75,000 children in the system and adoptive homes were needlessly placed in a system that is often more dangerous than their own homes because the county receives \$30,000 to \$150,000 in state and federal revenues for each placement.**

The \$1.4 billion Department of Children and Family Services budget currently pays to support a total of 75,000 children, but Nash pointed out that the number of children in foster homes has dropped from 52,000 in 1998 to 30,000 now, according to the *Daily News*. He said about half of those children are placed with relatives.

Andrew Bridges, managing director of child welfare reform programs at the private Broad Foundation, told the *Daily News* that since the mid-1990s, the county's child welfare system has been based on an aggressive policy of detaining children because of the financial incentives. Copyright 2003 by [NBC4.tv](http://NBC4.tv). All rights reserved.

# Failing the children

## County foster care system corrupted by profits

Wednesday, December 10, 2003 -

**A judge's call this week for a review of foster care cases in Los Angeles County should be the just the opening move in a long-overdue overhaul of a truly messed-up system.**

The action came after the *Daily News* reported that as many as half of the kids removed from their families by the Department of Children and Family Services were placed in foster-care conditions that were often worse or more dangerous than home and that more than 660 kids had died while in county foster care since 1991.

This is a tragedy, and it's compounded by the fact that the county and foster agencies actually get large amounts of federal money by taking kids away from their families and placing them in foster care. Foster care should be the measure of last resort, used only in severe cases to the ultimate benefit of the child. But it now seems clear that the system has become corrupted and in need of a top-to-bottom investigation to root out the Dickens-like culture that profits on the suffering of little children.

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## Exposing a corrupt system

**Re "Foster care cash cow" (Dec. 7):**

I wanted to commend Troy Anderson for his article on the county's foster care system. He has obviously done his homework and fearlessly tread where few reporters will go.

For all of us parents who have had our children ripped off by the government, we want to thank Troy for his bravery and the editor of the *Daily News* for the support in telling the truth of this corrupt system. Good job!

## Film focuses on child welfare system

**DOCUMENTARY: Former foster youths speak out; county CPS officials say the work lacks balance.**

10:22 PM PST on Friday, December 5, 2003  
By DAVID SEATON / The Press-Enterprise

Robin Morgan clasped his hands and nodded slowly as he watched himself talk about his painful memories of foster care.

Morgan was viewing the debut of "The Protectors," a documentary film about the child welfare system produced by a Lake Mathews area resident.

In the film, Morgan, now 20, recalls that his foster mother was nice at first. But she turned mean, he said, forcing him to call her "mom," and not changing the soiled clothes of his younger brother.

Morgan said he hopes the film will expose a broken child welfare system and the pain that it inflicts. "I hope what we're doing ... actually opens the eyes of not only (social) workers, but the state, and the world to actually find out what's going on," said Morgan, now a student at the College of the Desert.

The hour-long documentary, a critical look into the foster care system, relies heavily on Riverside County sources.

The film was screened Wednesday at a juvenile court conference in Hollywood for former foster youths now living on their own.

Penny Styles McLean, owner of Small Potatoes Productions, said she was pleased at the positive reaction of former foster youths interviewed for the piece.

"The coolest thing was the kids told me, 'Yea, you told our story right'."

But Riverside County Child Protective Services officials who viewed the documentary Thursday night were not so enthusiastic.

"We wish it were more balanced," said CPS director Sharrell Blakeley. "We have outstanding social workers who almost commit their lives to this work, tough work with very few rewards, except that they make a difference for kids in the system."

McLean said requests for interviews were made to CPS managers through a now-retired social worker, Paul Legan. Blakeley said Friday that Dennis Boyle, director of social services, turned down Legan's request to participate.



**Penny Styles McLean who directed and produced a documentary film which was critical of Child Protective Services, stands with her subjects Robin Morgan, 20, Melissa Schmidt, 19, and Ryan Schmidt, 18, from left, all siblings from Desert Hot Springs.**



McLean defended the fairness of the film and said she offered on Thursday to add CPS comments, but Blakeley declined.

"It's not pointing the finger, because I don't think that accomplishes a thing," McLean said. "It's, let's put the camera on them, and let people tell their stories. These people feel like they are drowning, and they are voiceless."

The documentary, which McLean hopes to sell to public television or HBO, combines heartfelt personal stories from foster parents and former foster children, with critical analysis of the system by social workers, a juvenile court judge and Dr. Bruce Perry, a child psychiatrist and trauma researcher at Baylor College of Medicine.

The film spends significant time addressing the pain and emotional consequences of foster care drift, a phenomenon in which a child bounces from home to home and fails to develop lasting, loving relationships.

Former foster youth James Vagts, 18, coldly discusses his life in a group home. He is one of seven youths interviewed. He is homeless but plans to enter a transitional home on Monday, he said.

"I don't feel like a person," Vagts said after seeing the movie. "I feel like a caged animal." Palm Springs resident and foster child advocate Madelene Hunter, a co-producer, said the documentary did not intend to attack child welfare officials, but it turned into an indictment of Riverside County's system.

In a segment called "presumed guilty," Legan alleges that a foster girl was yanked out of a good foster home based on a false report.

"In my estimation, there was a department out of control with little or no forethought in who they were hurting," he says on camera.

"There are often times two sides to a story, and we can't reveal facts that we have," Blakeley said about the film's specific accusations.

McLean, with a background in children's programs and infomercials, first laughed off the daunting idea of trying to document the complex and mostly secret world of child protection.

But her curiosity was piqued when a grandmother told her she should do a story about how social workers had "stolen" her grandchild.

She then met Hunter, who was a foster child in the 1950s. Hunter introduced McLean to her foster mother, Nina Coake, former president of the California Foster Parent Association from Fontana.

The contradictory stories McLean said she heard about the system compelled her to search out the truth. "I just got pulled into it," she said. "I'm a filmmaker. I'm nosy."

The project took two years and would have cost \$50,000 to \$60,000 if she had paid everyone involved, McLean said. Her partner, Rudy Vessup, also from the Lake Mathews area, helped produce the film.

The opening seconds of the film show an animated boy telling the audience that his needs get buried by the 45 people who receive a paycheck for his being in the system.

"It become a battle of giants," McLean said. "It's about the egos of the adults. The kid has to fit the system."

Reach David Seaton at (909) 368-9456 or [dseaton@pe.com](mailto:dseaton@pe.com)

## Long Beach Press Telegram

# The foster care mess

*Some children are put in harm's way for a buck.*

**Wednesday, December 10, 2003** - A wronged father called L.A. County's foster care system "legalized kidnapping" for profit, and a pattern of disturbing evidence shows that he isn't far from the truth.

A two-year investigation by the Los Angeles Newspaper Group (an organization that includes the Press-Telegram) found that the 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 sometimes more dangerous than the ones they left.

The reason? It appears to be **a twisted system of financial incentives that rewards states and counties for placing additional children in foster care from \$30,000 to \$150,000 for each child.**

The reward system, which one expert called the "perverse incentive factor," has led L.A. County and others to whisk children away from their parents when alternatives might have worked as well or better, such as parenting classes and family counseling. It is also thought that the financial incentives are making workers less likely to pursue claims of neglect and abuse.

In some extreme cases, children have been taken from their parents for little or no reason. The father who accused the county of kidnapping spent \$150,000 in legal fees before the county admitted its mistake and returned the daughter it had wrongfully taken from him. In that context, his comments actually sound restrained.

In the LANG investigation, experts inside and outside the foster care system said that **as many as half of the county's 75,000 children in foster care and adoptive homes may not really need to be there**, and the money motive is probably to blame. With the right kinds

of services, many of **those children could have stayed with their parents or relatives.**

The number of children in L.A. County foster care has more than doubled since the 1980s, and as a result the system is now overburdened, strained and dangerous. Previous studies have shown that children in L.A. County's foster care system are three times more likely to be killed than children in the general population. Since 1991, 660 children in foster care have died; 160 of those deaths were homicides.

In many cases the system is still working as intended, when it moves abused and neglected children, born to parents who never should have had them, into better homes. **But it is also much too quick to remove children in less harmful situations where other solutions could be used.**

There is hope. Child advocates are optimistic that L.A. County's new foster care director, David Sanders, will undertake the reforms and changes necessary to fix this badly broken system. This week the presiding juvenile court judge, Michael Nash, called on county attorneys, judges and social workers to determine which children in foster care could be safely returned to their parents or relatives. And the U.S. Congress next summer is scheduled to hear legislation that would change the way funding is allocated, and give states and counties more flexibility to utilize services that could help keep more families together.

Among other changes, **these reforms must take the price tags off children's heads and force the system to treat them as human beings, not dollars in a budget.**

<http://www.presstelegram.com/Stories/0.1413.204~21479~1822229.00.html>



**Laura Koepke**  
President,  
Government Watch  
Member-AFRA

# Congressional Inquiry

Saturday, March 13, 2004

## Topic: Protection of American Children and Families

**Purpose.** Provide opportunity for Congress to hear from victims of unethical and illegal actions and failures to act by: administrators and agents of social services departments vested with authority to protect children; private, county, state and federal attorneys including federal and state Departments of Justice, Attorneys General, District Attorneys, and County Counsels; judges, including court commissioners, referees and court-appointed guardians; public and private fostercare providers; other contractors with social services agencies; law enforcement; and elected and appointed officials.

**Goal.** Provide Congress with testimony, evidence and proposed solutions sufficient to develop a specific plan of action to: stop criminal actions immediately; reverse kidnappings and adoptions that were based on falsified evidence and perjury; protect children from pedophiles and abusers; locate and provide adequate care to the missing children; provide adequate protection to truly endangered children now and in the future.

### Guidelines: Nonpartisan. Formal proceedings.

Date: Saturday, MARCH 13, 2004  
Time: 9AM - 5PM  
Place: San Bernardino City Hall Council Chambers, First Floor, Capacity 150.  
300 North D Street, San Bernardino; room for seven members of Congress; can rotate in one- or two-hour segments, accommodating up to 28 officials, if that number of Congresspersons wish to attend. Speakers giving testimony will be seated, three chairs at table with microphones available for individuals, organizations, couples, families who wish to testify as a group; 3-5 minutes per individual speaker. Expert witnesses, e.g., attorneys, authors, law enforcement, heads of organizations have longer speaking time.

The hearings will proceed throughout the day uninterrupted. Gratis hot and cold beverages will be available in the lobby, but are not allowed inside the chambers. There will be pitchers of water at the speakers table. Non-gratis catered food will be available nearby, outside the building.

In addition to your speaking time please bring with you any evidence, documents, written statements, correspondence, media articles about your case to submit to Congress that will become part of the permanent record.

Be sure to include at the end of your presentation specific recommendations you want Congress to implement.

Volunteer pages are needed to attend doors, provide information, direct people, etc.

Volunteer is needed who can copy audio tape recording of the hearing onto a CD.

If you would like a special invitation sent to an expert witness or your senator or representative in Washington, D.C., or other government official please let me know as soon as possible as seating for officials is limited.

All local and major media will be invited.

Speakers from outside California will be placed in the first segment of speakers.

Speakers from Northern California will be placed in the second segment of speakers.

Speakers from Southern California will be placed in the third segment of speakers.

We are providing a glossary of terms and acronyms. Please tell me the full official name of the social services organizations in your state, county and city.

Your final and firm commitment to attend and speak must be confirmed as soon as possible as seating for speakers is limited. I look forward to hearing you speak in March.

Laura Koepke

### Travel and Lodging info:

Adjacent hotel: Raddison, 295 North E Street, San Bernardino, 92401, 866-244-9330

<http://hotels.lodging-web.com/servlet/reservationsPropertyInformationXML?propcode=RAD;CASANBER&remote=lodging-web>

Airport: Ontario

Train: Metrolink  
[http://www.metrolinktrains.com/news\\_update/past\\_news\\_releases/06\\_19\\_00\\_seven\\_days.asp](http://www.metrolinktrains.com/news_update/past_news_releases/06_19_00_seven_days.asp)

Bus: **Greyhound Bus Lines**  
596 N G St., San Bernardino, CA 92410  
(909) 884-4796  
(909) 884-2948 (fax)  
(800) 231-2222 (toll-free)  
<http://www.greyhound.com>  
<http://phonebook.superpages.com/yellowpages/C-Bus+Lines/S-CA/T-Riverside,San+Bernardino/>

### Laura Koepke, President, Government Watch

Publisher and Executive Editor  
Justice Journal  
Published by Government Watch, Inc.  
PO Box 1031, Big Bear Lake, CA 92315  
Phone: 909-585-4633, Mobile 909-217-1787 [Laura Koepke]  
Phone: 909-585-4385 [Gina Wagner, Vice President]  
Fax: 909-585-5906  
E-mail: [GovrnWatch@aol.com](mailto:GovrnWatch@aol.com), [JusticeJournal76@aol.com](mailto:JusticeJournal76@aol.com)  
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# Foster care in crisis

## Study finds L.A. system among most violent in U.S.

By Troy Anderson  
Staff Writer

Article Published: Saturday, December 27, 2003 - 7:09:11 PM PST

**Los Angeles County's child protective system is one of the most violent and dangerous in the nation, and its foster children are up to 10 times more likely to die from abuse or neglect than elsewhere in the country, a two-year investigation by the Daily News has found.**

In 2001 in the United States, 1.5 percent of the 1,225 children who died from abuse and neglect were in foster care, but in the county 14.3 percent of the 35 children who died of mistreatment that year were in foster care, government statistics show. The percentage in the county from 1991 to 2001 averaged 4.23 percent.

**The taxpayer-funded county and state systems are so overwhelmed with false allegations — four out of every five mistreatment reports are ruled unfounded or inconclusive — and filled with so many children who shouldn't even be in the system, experts say, that social workers are failing in their basic mission to protect youngsters. Nationally, two out of three reports of mistreatment are false.**

Since 1991, the county Coroner's Office has referred more than 2,300 child deaths to the county's child death review team — and more than 660 of those dead children were involved in the child protective system, including nearly 160 who were homicide victims.

In many of these deaths, county Children's Services Inspector General Michael Watrobski made recommendations to the Department of Children and Family Services to conduct in-house investigations to determine if disciplinary action was warranted against those workers involved in the cases.

Of 191 child deaths Watrobski investigated since 2001, he made a total of 63 recommendations to address systemic problems to improve the way the system works in an effort to reduce the number of child deaths.

Despite spending more than \$36 million on foster care lawsuit settlements, judgments and legal expenses since 1990, DCFS disciplined less than a third of the social workers responsible for the lawsuits, most of which involved families who alleged social workers' negligence contributed to the deaths and mistreatment of their children in foster care.

"That's pathetic," county Supervisor Michael D. Antonovich said. "When you have a department that is responsible for the health and safety of children there is no

excuse to have a dismal record of accountability like this." Meanwhile, in the various facilities that make up the county's foster care system, between 6 percent and 28 percent of the children are abused or neglected — figures comparable to the rate in New Jersey, which many experts have long called the state with the most dangerous child welfare system in the nation.

In the general population, only 1 percent of children suffer such mistreatment.

"When I stepped into this job, I said that too many kids are hurt in foster care," said DCFS Director David Sanders, who started in March after the forced resignations of the previous four directors. "That is absolutely glaring and the fact this department has never been willing to say that is a huge problem.

"It is clear when you compare us to other systems, we have more kids being hurt in our care than in other systems. That is absolutely inexcusable. I can't say that more strongly. It is a reflection of a system that isn't working." Despite the staggering number of child deaths and mistreatment of thousands of children, Sanders said the department's efforts have saved the lives of hundreds of children over the years. He also noted that the vast majority of foster parents don't mistreat children. And child advocates say for the first time in the county's history the DCFS director is taking unprecedented steps to reduce the number of deaths and percentage of foster children who are mistreated.

"In the past, the system has failed to protect children in its care," said Andrew Bridge, managing director of child welfare reform programs at the private Broad Foundation. "The new leadership at the department has been left with that legacy and is taking aggressive steps to fix it and protect children."

DCFS statistics show the percentage of foster children abused and neglected averages about 6 percent, but in the foster homes supervised by private foster family agencies, an average of 10 percent of children are mistreated. However, the rates range up to 28 percent in some homes, Sanders said.

Statewide, the rate averages close to 1 percent. In New Jersey, the foster care mistreatment rate ranges from 7 percent to 28 percent in different parts of the state, said Marcia Lowry, executive director of the New York City-based Children's Rights advocacy organization. Of 20 states surveyed in 1999, the percentage of children mistreated by foster parents averaged a half percent. The

rate of abuse ranged from one-tenth of a percent in Arizona, Delaware and Wyoming to 1.6 percent in Illinois to 2.3 percent in Rhode Island, according to federal statistics. Susan Lambiase, associate director of Children's Rights, was surprised to learn of the percentage in Los Angeles County, calling it "absolutely horrendous."

"(Los Angeles County is) a child welfare system in crisis because the children are getting pulled from their homes to keep them safe and the system cannot assure that they are being kept safe," said Lambiase, whose organization has filed about 10 class-action lawsuits to place state child welfare systems under federal consent decrees and is considering what action it might take in Los Angeles County.

"It's unacceptable," she said. "This is a malfunctioning foster care system given that its role in society is to protect children from abuse and neglect."

Critics say social workers are so busy filling out paperwork and investigating false reports that they are overlooking the warning signs of many children in the community in real danger and are not able to properly ensure the safety of children in foster care.

"When you overload your system with children who don't need to be in foster care, workers have less time to find the children in real danger," said Richard Wexler, executive director of the National Coalition for Child Protection Reform in Alexandria, Va.

The Daily News investigation found that up to half of the 75,000 children in the system and adoptive homes were needlessly placed in a system that is often more dangerous than their own homes 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. Some examples of settled cases involving the deaths of foster children include:

Long Beach resident Jacquelyn Bishop, whose twins were taken away because she hadn't gotten her son an immunization. Kameron Demery, 2, was later beaten to death by his foster mother.

The foster mother was convicted of second-degree murder and sentenced to prison. In 2000, the county settled a wrongful death case with Bishop for \$200,000. Gardena resident Debra Reid was awarded a \$1 million settlement last year for the death of her 9-year-old son Jonathan Reid, who had been in foster homes in El Monte and Pomona. He died of an asthma attack in 1997 after social workers didn't notify the foster mother of his severe asthma and diabetes conditions — a tragic irony, because the boy was placed in foster care after county social workers alleged Reid was neglecting her son by not

providing appropriate medical care for his diabetes and asthma.

Reid's other son, 10-year-old Debin Mitchell, who received \$100,000 as part of the settlement after he was wrongfully detained, said his foster parents were "brutal" to him during his one-and-a-half years in multiple foster homes.

"I thought that it was cruel and unusual for being beaten like that for no reason," said Mitchell. "When I came home, I had bruises everywhere. I feel good to be back with my family where I don't get beaten for silly things for no reason and most of all I'm glad to be back with my mom." Anthony Cavuoti, who has worked as a DCFS social worker for 14 years, said the department does a poor job of protecting children.

**"The nominal goal is to protect children, but the real goal is to make money," he said. "A caseworker used to have 80 to 100 cases. Now we have 30, but we have to file five times as much paperwork. If the workers put kids before paperwork and administration, they are going to be forced out or harassed. With such a mentality, children are always in danger." In a historic step to address the problem at the root of the system's failures, Juvenile Court Presiding Judge Michael Nash recently called for a historic reevaluation of half of the 30,000 cases of children in foster homes to determine who could be safely returned to their families or relatives.**

**If properly done by providing the services families need, experts say this step combined with the DCFS request for a federal waiver to use \$250 million of its \$1.4 billion budget on services to help keep families together could ultimately reduce the number of children in foster care and social workers' large caseloads, giving them more time to help protect children in truly dangerous situations.**

**"The court system itself should only be for those cases that reflect serious cases of abuse and neglect," Nash said. "We have to have more of a talk first, shoot later mentality rather than a shoot first, talk later mentality. We can do a much better job."**

**Sanders said more than 25 percent of those children will probably be able to return home.**

Concerned that two-thirds of his 6,500-employees are working behind desks, Sanders said he plans to move 1,000 staff promoted to office jobs by previous directors back to the streets as social workers, which will reduce caseloads and give workers more time to spend with families, a critical element to assure the safety of children.

<http://www.dailynews.com/Stories/0,1413,200~20954~1856481,00.html>

# Government bonuses accelerate adoptions

By Troy Anderson  
Staff Writer

Sunday, December 07, 2003 -

**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."

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.

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. 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.

<http://www.dailynews.com/Stories/0,1413,200%257E24531%257E,00.html?search=true>



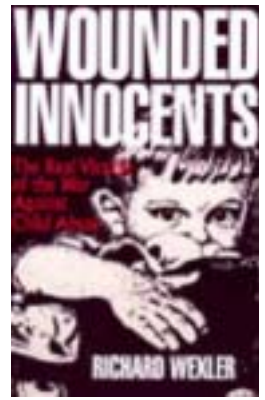
# Adoption Bounties Harm Children

## Says Child Advocacy Group

12/2/03 10:49:00 AM

Contact: Richard Wexler of National Coalition for Child Protection Reform,  
703-212-2006 [rwexler@nccpr.org](mailto:rwexler@nccpr.org) / <http://www.nccpr.org>

ALEXANDRIA Va., Dec. 2 /U.S. Newswire



**Giving states cash bounties to rush children into “quick-and-dirty, slipshod placements” harms children, and action today by President Bush will compound that harm, according to a national non-profit child advocacy organization.**

President Bush Tuesday will sign the so-called Adoption Promotion Act, which expands an existing adoption bounty program.

**“These bounties are helping to create a generation of legal orphans, increasing the chances that adoptions will fail, and turning child welfare systems into the ultimate middle-class entitlement: Step right up and take a poor persons child for your very own,”** said Richard Wexler, executive director of the National Coalition for Child Protection Reform. **“The bounties are part of a larger adoption-at-all-costs mentality that actually has caused more children to languish in foster care.”**

Wexler says problems caused by the bounties include:

- Adopting the wrong children. Though some parents truly are brutal and their children should be taken from them forever, **far more common are cases in which a family’s poverty is confused with neglect. The bounties encourage states to tear children from these families — especially easy-to-adopt infants — and throw them indiscriminately into middle-class adoptive homes.**
- Poor placements. **Even if adoptive parents change their minds and give children back, states can keep their bounties. That creates an incentive for “quick-and-dirty slipshod placements” which are more likely to fail.**
- Legal orphans. Far fewer parents are interested in adopting than proponents promised. So while adoptions have increased modestly, terminations of parental rights have increased much more quickly. Between 1997 and 2001, 92,000 more children have had parental rights terminated than actually were adopted, creating a generation of “legal orphans.”

The bounties originally were part of the so-called Adoption and Safe Families Act of 1997. While supposedly encouraging adoption, the law also encourages the needless removal of children from their homes, Wexler said.

**“As a result, a record number of children — nearly 300,000 — were torn from their parents in 2002. With so many children taken away each year, there now are 12,000 more children trapped in foster care on any given day than there were when ASFA was passed,”** Wexler said. **“There are far better ways than bounties to promote adoption for those children who really need it.”**

# **FOSTER CARE CASES IN LIMBO AFTER REPORT ALTERED, DIRECTOR FIRED, RULES CHANGED**

By Karen de SáMercury News, Posted on Sun, Dec. 07, 2003

**The Santa Clara County Office of the Ombudsperson — once a well-respected watchdog for children and families in the foster care system — is in chaos. The director who oversees the office has curtailed its investigative abilities, altered its annual report and allowed its lead ombudswoman to work from a remote beach house in the Costa Rican forest.**

The problems in the office surfaced this fall only after two of its members were called before the county's civil grand jury. The next day, the lead ombudswoman fired her two colleagues and — they say — scattered confidential client files like rubbish. Three weeks later, the county terminated her contract.

Now there are concerns that the conduct of Norma Doctor Sparks, director of the county's Department of Family and Children's Services, and former lead ombudswoman Beverly Miles has undermined an office that helped guide beleaguered families and abused children through their struggles with the often-mystifying foster care system.

"It's important that our children are protected, and currently there's an environment in DFCS where people fear retaliation for telling the truth," said Rick Callender, president of the San Jose Silicon Valley NAACP chapter, which recently investigated dozens of foster care cases. "We need a functioning, working ombudsman's office that doesn't have the truth changed."

Miles has twice refused comment and has hired an attorney, who did not return phone calls. But Sparks acknowledged taking the actions that have drawn the sharpest criticism: She heavily edited complaints that were included in an ombudsman's office report before county supervisors and the public could see them. She also barred employees who work in the county children's shelter — where 25 percent of cases originate — from contacting the office about their concerns.

Sparks and her boss, Social Services Agency Director Will Lightbourne, say they applied their influence only to protect children's safety and to ensure staff accountability. Lightbourne agreed that clients were "absolutely not" served adequately during the recent turmoil, but said the department is taking corrective action since the departure of the office staff: Miles, Nedra Jones and Lorraine Ruiz."

Their working relationship had completely broken down, and we had to step in and make alternative

arrangements," Lightbourne wrote in an e-mail.

Sparks also acknowledged knowing that Miles "had a business in Costa Rica," although she says she was initially unaware that Miles worked in a remote location — a claim others dispute. Miles spent 6 1/2 of the final 18 months of her county contract at Playa Azul, according to Jones, Ruiz and travel logs.

## **Office's duties**

### **• Goal is to act as arbitrator**

Last year, almost 1,000 people contacted the Santa Clara County Office of the Ombudsperson. They included parents whose children have been taken from them, those seeking to adopt, and children placed in foster care who were having problems with their court-appointed social worker or foster parent. When problems are identified, the office is supposed to serve as an independent arbitrator.

The county contracted with MilesTone Solutions, headed by president and CEO Miles, to run the office in February 2001. Last year, the firm agreed to provide 81 hours of service a week for an annual fee of \$212,000. In reports, county officials praised the office's work. But that changed when outsiders started looking at the office.

Following the National Association for the Advancement of Colored People probe of parents who claim their children were wrongfully removed, the county's civil grand jury requested meetings with the office staff. When the two MilesTone employees who have had the most contact with clients, Ruiz and Jones, told Miles about the request, they say she warned them not to discuss the Costa Rica arrangement.

The day after the grand jury meeting, Miles fired them. And, the two former schoolteachers say, on the following day they arrived at work to find their office ransacked.

A building manager confirmed this account, saying the office on North Fourth Street had been stripped of computers and other equipment. Ruiz and Jones blame Miles, and say they believe she also dumped their case files on the street outside.

The pair gathered the documents and took them home. They notified two county officials they had the papers, but did not hear from anyone until a month later.

Leaving confidential case files unaccounted for is especially troubling for family and children's services clients. The files document a range of complaints from the annoying — poor access to African hair care products in

the children's shelter — to accounts of molestation. Approximately 400 files remain with Jones and Ruiz.

Elsie Ballard, a 54-year-old grandmother in Santa Clara, said Jones had been handling her concerns about custody of her 5-year-old granddaughter when the file disappeared."

Now nothing can happen to help my case, because Nedra no longer works there," Ballard said. Ballard said no one seems to be able to find her court transcripts, letters and other information critical to her case. "When she got dismissed, I called and asked for my papers back from Beverly Miles, and she said she didn't know where they were," Ballard said.

On Nov. 21, three weeks after she fired Ruiz and Jones, the county fired Miles. County officials offered no details, other than stating that Miles "failed to perform."

What the county knew about Miles' extended absences — and when — is hotly disputed.

Sparks' predecessor, Leroy Martin, said he informed Sparks in February 2002 that Miles worked part time in Costa Rica when he introduced her to the office days before he retired. Martin said Miles had two people working in the office and would be writing reports when she was out of the country, which he understood would only be for short periods.

But Sparks said she did not become aware that Miles was working in Costa Rica until this February, even though Jones and Ruiz say Miles had handed Sparks business cards and specially made pens identifying her not-so-secret forest getaway.

Lightbourne says he was not told of the situation until October, when he was informed by the county counsel.

Sparks did acknowledge that when she took the job as head of family and children's services in February 2002, she met only with Jones and Ruiz. "I kept saying, 'Where's Beverly?' for a period of three or four months," Sparks said.

Sparks said the two women covered for Miles. "They never, ever told me that Beverly was out of the country," she said.

Jones and Ruiz, however, say that they told Sparks repeatedly of Miles' whereabouts, particularly when she did not appear for meetings.

"We have to maintain the integrity of the office. The purpose is to serve the clients and we're not doing that, and I'm tired of it," Jones said of her decision to speak out. "This office is about ethics, and we're not going to just pretend everything's OK."

## In Costa Rica

### • Ex-workers tell of long absences

A six-hour bus ride from the capital of San José, Playa Azul is known for its crystal clear water, mango trees and monkeys. Technology is not an asset. Ruiz said that during the time Miles traveled back and forth — absences that varied in length from four months to several weeks — she was largely inaccessible by phone, fax or e-mail.

One e-mail, dated March 26, 2002, did reach Jones and Ruiz, with Miles detailing her difficulty with phone lines in a hasty note sent from a neighbor's house. She wrote that she took a laptop computer but forgot the power cord, complained of receiving no "snail mail" and described having "so much trouble with electronic devices."

Family and children's services director Sparks "paid a contractor for not doing her job," Ruiz said. According to the Miles Tone contract, all three office members were charged with providing "direct client intake" services each week. "And I know they weren't transporting clients down to the rain forest," Ruiz said.

Sparks says that she had no objections to the way Miles did her job — at least initially."

When I finally met her, I did like her. She had the experience, she was very professional," Sparks said. "As an ombudsman, I had no problem with Beverly. We communicated by telephone, and some e-mail, but frankly, I did not have an issue with contacting her."

While the Costa Rica situation is the most eye-catching, critics have focused on two other decisions as raising more serious questions: the role of the office and the county's commitment to its independence.

In Miles Tone's last annual report to the Board of Supervisors, Sparks cut or altered information, greatly minimizing the serious nature of events that the office had investigated.

For example, the original draft included a report of a 6-year-old allegedly molested by a 13-year-old at the children's shelter. It detailed the physical abuses of the 6-year-old and recommended one-on-one supervision for the alleged perpetrator. Like other specific cases mentioned in the report, this was included because it represented a broader concern. In this case, it was the mixing of age groups at the shelter, which some experts consider a dangerous practice.

But by the time the report made it to the supervisors in February, Sparks — who oversaw the shelter — had taken the anecdote out.

Other case reports that illustrated problems at the shelter were whittled from several paragraphs to one bland sentence.



Examples include an account of residents “bringing in drugs, lighters and taping them to their buttocks.” That got changed to a sentence reading: “Shelter Manager contacted Ombuds to see if the Ombuds office would have a problem with Shelter’s Policy on conducting searches.”

Sparks does not dispute that she made changes. She said the initial report caused her “grave concern” because it provided too many details about the cases — details that in some cases could have revealed the identity of the children. And she said the report did not meet professional standards.

“It had a lot of duplication, and a flavor of sensationalism,” Sparks said, a characteristic she blames on Ruiz and Jones, whom she describes as lacking understanding of the child welfare system and acting too much like advocates rather than neutral observers. “There is no way we were trying to hide any kind of issue of concern that was coming through the ombudsman’s office.”

But Sparks and Lightbourne initiated at least one other rule that limited the investigative ability of the ombudsman’s office. They restricted staff at the children’s shelter from reporting their concerns to the office.

As Lightbourne describes it, the rule only prohibits shelter staff from making anonymous reports to the office. But in an e-mail last year to Ruiz, shelter director Doug Southard wrote, “Your office is no longer investigating complaints brought to you from shelter staff. Shelter staff are to be referred back to our in-house procedures.”

Ombudsmen in other parts of the country say either version of the rule would undermine their profession.

Howard Davidson, director of the American Bar Association’s Center on Children and the Law and co-author of a book, “Establishing Ombudsmen Programs for Children and Youth,” said that to be effective, ombudsmen must be able to go anywhere and interview anyone.

“If people are reluctant to report because of fear of reprisals, reports of mistreatment of children may not be brought to light,” Davidson said. “It really stifles whistle-blowing.”

## **Independent status**

### **• Fears power is undermined**

In an August report to the Social Services Agency, the NAACP chapter advised Lightbourne to change policy to “reinstate the whistle-blower clause in the Ombudsperson’s Contract to allow for anonymous phone calls to protect employees while also providing a venue for reporting important issues affecting children.”

Responding to complaints from 75 county residents about the foster care system, the NAACP also recommended

that the agency reduce conflict of interest by having the ombudsman report directly to the board of supervisors. NAACP chapter president Callender said that while investigating, his group encountered a number of social workers who said they could not report system abuses because they feared retaliation.

“When you have the fox watching the henhouse, and you’re telling the fox he might be doing something wrong, he might get mad and eat you,” Callender said.

Lightbourne and Sparks stand by their policies. They say shelter employees by law must report any child abuse they encounter. As for other systemic problems the employees may want to report, Lightbourne and Sparks say they need to know who the reporting employees are in order to follow up. If there are retaliation concerns, Sparks said, employees can take advantage of whistle-blower laws, complain to their union, or confront problems directly with Lightbourne.

Reports were handled differently in previous years under Karen Grace-Kaho, a former officer with the U.S. Ombudsman Association who is now California state ombudsman for foster care. Grace-Kaho’s reports were never altered by the agency she inquired about. If managers had a response or rebuttal to her report, it was submitted to county supervisors with the original.

Grace-Kaho would not address Santa Clara County’s specific situation. But speaking generally, she said independent reporting is critical to the role of the ombudsman. The statewide office routinely accepts anonymous calls from social workers.

“The role of ombudsman is to give objective information, and reports should not be tampered with,” Grace-Kaho said. “It’s very dangerous for the ombudsman to have the department edit their report — that is not right. The public has a right to know the truth.”

For now, Social Services Agency leaders say calm has been restored. An interim ombudswoman has been named: Jocelyn Crumpton, a former San Francisco child welfare official. She does not speak Spanish, so non-English speakers are being directed to Gil Villagran, a longtime family and children’s services employee and former social worker.

Santa Clara County Supervisor Jim Beall, who oversees the agency as chairman of the Children, Seniors and Families Committee, said a permanent replacement will be hired by January. “Until then, we’ll make sure there is no reduction of services,” Beall said. “All that need service will be fully served.”

As far as someone “distorting reports,” Beall added, “that’s something for a lawyer to look at.”

Contact Karen de Sá at [kdesa@mercurynews.com](mailto:kdesa@mercurynews.com) or (408) 920-5781.

# ***Ex-watchdog agency chief threatens legal action*** **FORMER DIRECTOR SAYS COUNTY OWES HER MONEY**

By Karen de Sá, Mercury News

Posted on Thu, Dec. 11, 2003

Weeks after Santa Clara County's three foster care ombudswomen were fired and their office emptied, one of them is threatening legal action, a community relations staffer is screening calls from disgruntled clients, and a stack of confidential files are on their way to Costa Rica — a six- to eight-week journey.

Two of the ombudswomen fired in late October — Nedra Jones and Lorraine Ruiz — said they promised their clients they would not share their stories with anyone. Jones has yet to turn over her notes, records and case histories. But Ruiz changed her mind after being threatened with legal action. On Wednesday, she mailed her stack of files to Playa Azul, Costa Rica, which she said was the only address she had for her former boss, Beverly Miles, president and CEO of the internationally based Miles Tone Solutions.

In a letter delivered to county officials this week, Miles, head of the company that contracted to serve as ombudsman for the Santa Clara County Department of Family and Children's Services, demanded money she said is owed her. She also sought copies of auditors' reports and a better explanation than "poor performance" as to why she was fired. Miles asked for answers by next week and indicated she is considering legal action.

Miles had a part-time residence in Playa Azul, six hours from the Costa Rican capital, where she spent extended periods over the last 18 months.

"I believe I'm fired not because of poor performance, not because I can't deliver," Miles said. Instead, she said, she was being punished because Ruiz and Jones "are out of control and social services doesn't want to deal with them directly."

Beginning in 2001, the Miles Tone contract included responsibilities for receiving complaints and helping steer children, parents and others through the complex foster care system. The Santa Clara County Office of the Ombudsperson is one of 12 in the state.

Ruiz and Jones had been partners in that work, until **Miles fired them after they talked to a civil grand jury that was investigating charges that too many minority children were being taken from their parents**, and told county officials that Miles lived part time in Costa Rica.

The county terminated Miles' contract on Nov. 21, after Social Services Agency Director Will Lightbourne said he learned of her unusual employment arrangement. As a result, the district attorney's office and the agency's contracting division are investigating Miles' billing practices.

But Miles, 56, said her part-time work in Costa Rica was no secret to county officials, including Lightbourne and her two colleagues. She said no one disputed that she would develop conceptual ideas and administer the contract part-time from Playa Azul.

Prior to receiving the county contract, Miles worked for five years as San Jose State University's ombudswoman, part of a 23-year career there. Following her 1999 retirement, she created her own consulting firm, based on the principles of "diplomacy, decorum and distinction." Miles built a beach home in a lush sanctuary, and began work on a nearby project she calls the "Theater for Surplus Reality" — a Costa Rican institute where she plans to offer seminars and retreats for social service agency employees, among others. As head of her own company, Miles said she has the liberty to travel and expand her business: "You, too, can have a Costa Rican beach house if you organize your life correctly. I've earned the right and the resources to do this."

When she started spending time in Costa Rica, Miles said, she had confidence Jones and Ruiz would handle things while she was gone. But she became increasingly dissatisfied with their performance. She said the pair failed to grasp that **their job as ombudswomen was not to advocate on behalf of clients**, but to help them address problems themselves, with the support of a neutral third party. These concerns also were raised by the Department of Family and Children's Services director, Norma Doctor Sparks.

Miles said she concedes that her lack of supervision may have led to some of the problems. But she said that Jones and Ruiz are disgruntled employees who have toyed with the county by dangling "missing files" in front of them. She claims that what her former employees have in their possession are not confidential files because the office only enters information into data logs for statistical snapshots and destroys files once cases are closed. Jones and Ruiz say that the files are indeed confidential and that they have an obligation to their clients to protect the highly personal issues they raise. Information includes notes on a range of topics, from the treatment of abused and neglected children to criticisms by managers who fear reprisal if their names are exposed.

"We're not holding off on the files," Jones said. "All we want is to make sure that the clients are treated fairly." **Meanwhile, children and adults in the foster system who wish to reach the interim ombudswoman, Jocelyn Crumpton, are having their calls routed to Gil Villagran, the manager of community relations for the Department of Family and Children's Services — the very department they potentially would be calling to complain about.**

Villagran was selected for his Spanish-speaking capabilities, although his phone message, in English, does not state that bilingual services are available.

*The phone number for the Santa Clara County Office of the Ombudsperson, (408) 436-7600, has been changed to (408) 491-6729. Contact Karen de Sá at [kdesa@mercurynews.com](mailto:kdesa@mercurynews.com) or (408) 920-5781.*



State of California

# LITTLE HOOVER COMMISSION

**FOR IMMEDIATE RELEASE  
February 4, 2003**

**For Additional Information Contact:**  
**James P. Mayer**  
**Executive Director**  
**(916) 445-2125**

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James P. Mayer  
*Executive Director*

## **Leaderless Foster Care System Will Continue to Fail Children**

California has not made adequate progress in reforming its foster care system, and will not make progress until the State designates a leader for foster care reform, the Little Hoover Commission told policy-makers on Tuesday.

In 1999 the Commission issued a report on California's foster care system. The report, *Now in Our Hands: Caring for California's Abused and Neglected Children*, outlined a comprehensive strategy for reform.

"Three years have passed since the release of that report," wrote Commission Chairman Michael Alpert in a letter to policy-makers. "In that time there has been considerable action, but almost no real progress. The greatest obstacle to meaningful reform is an unwillingness on the part of both state and local leaders to take responsibility for reforming the foster care system."

The Commission found that since 1999 the State has spent millions of dollars on research, task forces and reform efforts that have not materially improved outcomes. Specifically, the Commission found the reforms have failed to address the following fundamental concerns:

- Foster care is not temporary. Half of the children in foster care remain in care for 6 to 36 months. One in four are in foster care for 42 months or longer.
- Foster care is not stable. For those placed with non-relatives in 2000, of the 8,664 in care for a year or more, just 25 percent had a stable placement, 43 percent were moved three or more times, 11 percent five or more times.
- Siblings are separated. Just 40 percent of sibling groups are placed with all siblings together; 65 percent are placed with at least some siblings.

In addition, public officials and child advocates told the Commission that children in foster care continue to receive inadequate health care and educational services. Just 65 percent receive medical assessments within 60 days. Only half receive any form of dental care or necessary mental health services. Regulations require medical and dental care be provided within 30 days of entering care.



In 2000 the Department of Social Services dedicated \$3 million and three years to the Child Welfare Services Stakeholders Group to recommend strategies to redesign the child welfare system, including foster care. The group is examining many of the issues the Commission identified as problematic in 1999. But the effort is not addressing who is responsible for reforms, creating a management system to improve outcomes, or promoting accountability through oversight.

In testimony before the Commission, Health and Human Services Agency Secretary Grantland Johnson conceded, “the system is broken and needs fixing.” But he asserted that the State should not direct counties in how to reform services.

“The current muddle of authority and responsibility frustrates the innovative and shields the unresponsive,” wrote Chairman Alpert. “The buck stops nowhere. And until that problem is resolved discussions about ‘best practices’ and ‘outcome measures’ are meaningless.”

The Commission urged the Governor and Legislature to designate a leader for foster care who would be accountable for reforms. The Commission recommended the creation of a Child Welfare Inspector General and a State Child Welfare Oversight Board. Similar recommendations were directed to county supervisors.

The Commission concluded that existing oversight efforts are inadequate. Federal law requires the State to establish three citizen review panels to oversee efforts to protect children. But existing efforts fail to provide the required oversight.

In 2001, 132,042 children spent time in foster care, the last year for which these data were available. The State tracks caseloads on a point-in-time basis. The 2002 caseload was 91,509, down from 105,538 on the same day in 1999. The reduction is largely attributed to increased efforts to move children into guardianships with relatives.

In fiscal year 2002-03, \$2.2 billion was allocated for foster care. Since 1999 the Legislature and Governor have considered more than 100 reform proposals. Despite these efforts, California recently failed a federal performance review and faces penalties of up to \$18.2 million if it does not adequately address deficiencies.

“Until foster care is a temporary, short-term and safe place for children, it is incumbent upon all community leaders to focus political capital on this issue,” concluded Alpert. “When the State intervenes to protect the lives of children it takes on a tremendous obligation. It is time for us to live up to that obligation.”

The Little Hoover Commission is a bipartisan and independent state agency charged with recommending ways to increase the efficiency and effectiveness of state programs. The Commission’s recommendations are sent to the Governor and the Legislature. To obtain a copy of the report, *Still In Our Hands: A Review of Efforts to Reform Foster Care In California*, contact the Commission or visit its Web site: [www.lhc.ca.gov](http://www.lhc.ca.gov).

# **PARENTS LACK SAVVY LAWYERS DEPENDENCY COURT: THOSE TRYING TO REGAIN CUSTODY OF CHILDREN OFTEN ARE REPRESENTED BY INEXPERIENCED ATTORNEYS**

*December 5, 1999 HOWARD MINTZ, Mercury News Staff Writer*

On most mornings, the three waiting rooms in Santa Clara County's juvenile dependency court are a jumble of activity. Social workers huddle with families. Mothers and fathers, accused of neglect or abuse and facing the prospect of losing their children, sit and listen. Some bury their heads in their hands. Others, like one mother who keeps jabbing a finger at her case file, become animated and angry.

It is usually in one of these drab waiting rooms, or in the hallways outside court, that the mothers and fathers first meet their lawyers. Parents thrust into the child welfare system, most of them poor and unfamiliar with the legal terrain, might then get a few minutes to tell their story before they find themselves in front of a judge.

To juvenile law experts, this fleeting encounter between parents and their court-appointed lawyers illustrates a serious problem provoking debate in Santa Clara County and across California. Critics say overworked, underpaid and often inexperienced lawyers are shortchanging parents in a near-invisible but crucial corner of the justice system.

"The memory for me will always be that we weren't represented in a way we should have been," said a Campbell mother who has been fighting since early 1998 to get her four children back, and who spoke on condition of anonymity. "I've had three different attorneys who come in and don't know anything about your case, and then tell you they can't do much. It's scary."

The account is all too common in the secret world of child dependency law, according to experts. Whether it is Silicon Valley or the Central Valley, in today's legal system a lawyer is likely to spend more time with a client involved in a lawsuit over an auto accident than with a parent who might be forced by the state to surrender a child.

"It's safe to say that too often, the very worst representation in juvenile court is the representation provided to parents," said Howard Davidson, director of the American Bar Association's Center on Children and the Law. "That's an issue that has to be addressed."

Legal representation for parents — many of them accused of the type of neglect society despises most — has taken on unprecedented importance in recent years as a result of tough new child welfare laws.

## **Private program debate flares over hiring of law firm**

Concerns about such representation have percolated to the

surface in Santa Clara County, where the local judges this fall renewed a contract for a controversial, for-profit Santa Ana-based outfit hired three years ago to handle the task.

To its supporters, including Superior Court Judge Leonard Edwards, perhaps California's leading expert on juvenile law, Santa Clara Juvenile Defenders is a successful, cutting-edge experiment that is doing a good job with limited resources. Juvenile Defenders handles about 2,500 cases a year with 14 attorneys who are working in a tense legal environment many lawyers shun.

"Frankly, I've been pleasantly surprised by what we've seen," Edwards said. "It's clear to me that (the dependency firm) has delivered legal services better than any entity we've had in this county."

But to its critics, the experiment has failed hundreds of parents filtering through the system each year. It is difficult to evaluate individual cases because of strict confidentiality laws governing dependency proceedings. Attorneys are reluctant to speak on the record because of those laws, as are parents who fear they will jeopardize their cases. But there are widespread reports of frazzled, ill-prepared lawyers who don't have the resources or training they need to protect their clients' rights. Complaints range from failing to challenge the findings of social workers to declining to appeal cases. And some of these reports are from lawyers who once worked for the dependency firm, which has been plagued by high turnover.

Five former members of the office interviewed for this article described frustration with the operation and admitted that they could have done more for their clients. "We had so many clients at one time that I didn't know my clients' names until I'd look in the file just before court," said Elisabeth Hansen, who worked for Juvenile Defenders in 1997, shortly after law school. "I didn't feel they were getting the representation they deserved."

Added another recently departed lawyer: "(The) way dependency legal services is set up, no one is keeping the system honest."

The new federal and state child-welfare laws make it easier than ever for agencies to take a child away from parents in cases involving allegations of abuse and neglect. Parents who choose to fight for their rights now face an uphill climb, and experts say they need good lawyers to protect them in court.

It is against this backdrop that the debate over legal services is taking place. If nothing else, experts say, these parents — most of whom don't have the means to hire a lawyer on their own

— need a savvy legal guide to walk them through the process. Although Santa Clara County's dependency court as a whole is considered a model in the state, there is profound disagreement over one aspect: whether the lawyers most often representing parents here are doing an adequate job.

The system changed in 1997, when the board of supervisors, on a 3-2 vote, approved a little-noticed \$1.3 million contract for Juvenile Defenders, a group headed by Gary Proctor, a prominent Santa Ana lawyer. The county, among other things, picked Proctor's group because it would save nearly \$1 million a year.

The contract rankled local lawyers. For one thing, it involved abandoning the old system of using the public defender's office and a panel of local lawyers to represent parents. The small circle of dependency lawyers in the county also viewed Proctor as a carpetbagger who would spend more time on his law practice in Santa Ana than in San Jose. And Proctor was chosen over local candidates, including the Legal Aid Society.

"Any time you have an outsider coming in and displacing the local (system), there is going to be anger and discontent," said Howard Siegel, a former chief of the public defender's dependency unit who was hired by Proctor to supervise one of his two offices. "In this case, I'm satisfied most of the criticism is sour grapes." With Edwards' endorsement, the Superior Court in September decided to renew Proctor's contract. The three-year deal is worth roughly \$1.76 million per year, although it may be cut short if more state funding does not come through in 2000.

### **Legal Aid left out Lack of public debate draws criticism**

Critics say the Superior Court judges should have opened up the matter for public debate before renewing Proctor's contract. Legal Aid, which now has the local contract to provide court-appointed lawyers in criminal cases, wanted the dependency work, but didn't know about the renewal until told by the Mercury News. "We were interested in doing that work," said Susan Sutton, president of Legal Aid's board of directors. "I'm not sure we've got the circumstantial guarantee that (the current setup) is the best we can do." Judge Edwards, asked about the bidding issue, replied: "I think (Legal Aid) would be a good contract bidder next time. But we just decided to go ahead and roll it over this year."

Sutton and other dependency experts say Proctor's office has cut too many corners, leaving parents without recourse against the findings of social workers.

Opposing lawyers also express concern that Proctor's staff, while energetic and dedicated, often is overburdened and green. The county counsel's office, which represents the social services department, and the district attorney's office, which represents children, both staff dependency court with experienced lawyers who make substantially more money than the attorneys appearing for parents. Starting salaries for Proctor's lawyers are often \$10,000 a year less than a starting salary for DAs or a county counsel.

Until recently, Proctor's office was staffed primarily with lawyers fresh out of law school or with little legal experience. By comparison, other counties, such as San Mateo and San Francisco, have panels of lawyers with years of experience in dependency court.

"The individual attorneys are very bright, very conscientious, but they don't have the type of experience I think would make for better representation," said Deputy District Attorney Penny Blake, who has represented children in dependency matters for 11 years.

"There is a problem with a lack of visible advocacy," adds Michael Kresser, director of a San Jose appellate project that inherits cases from Proctor's office and reviews their work. "We see a lot of these cases submitted . . . without any evidence or any argument in favor of the client. They are not contesting anything."

### **Admitting problems more experienced lawyers added**

Proctor concedes his original plan backfired. As a result, he has gradually replaced rookies with more experienced lawyers, although many of them still have limited experience in dependency work.

"It didn't work out up here," Proctor said. "This is a much more adversarial, litigious courthouse than Orange County."

Proctor and his supporters say he is getting a bum rap. In many quarters he is considered an innovator in the world of dependency law. He has embraced a philosophy that judges such as Edwards and San Diego Superior Court Judge James Milliken, another juvenile-law leader, consider groundbreaking.

Proctor maintains lawyers for parents should act as social workers to help reunify families, many torn apart by drug addiction; he pushes his staff to abandon the confrontational approach used in other areas of the court system.

While critics say this approach leads to poor advocacy, Proctor insists it benefits parents and their children if his lawyers can get services for clients instead of spending their time fighting in court.

"There is no question in my mind that across the board (this program) is providing a higher level of representation than the old (panel of attorneys)," said Siegel. "It is working as well as it possibly can with our budgetary restraints."

For better or worse, Proctor's experiment in Santa Clara County may not last much longer if those budgetary restraints don't loosen. Sounding frustrated, Proctor says the courts must find a way to provide better funding for legal representation or he might pull out of the county next year, which the contract allows him to do.

"This isn't a cash cow," says Proctor. "The court has got to do everything it can to get the money from the state. If it doesn't happen, they may need to find a different way of doing business. It's not fair to our parents to be in a battleground where we're so outnumbered."



# Scalded tot's mom files suit

## Child injured while in foster care

By Jeff Hood

Lodi Bureau Chief

Stockton Record, October 4, 2003

Carmen Garcia was angry when her children were taken from her last year.

She was angry that she lost her home and her car to pay the attorney to defend her and her husband against child-abuse charges. She was angered even more when her 1½-year-old son suffered second- and third-degree burns from a scalding-hot bath while in foster care.

Now that her family is whole, the Stockton woman has filed a lawsuit for unspecified damages on behalf of her son, Charlie. **Garcia is claiming San Joaquin County's Child Protective Services Agency and the foster-family agency that placed her son in the home — Share Homes Inc. — are responsible for Charlie's burns. She alleges the agencies were negligent in their training and supervision.**

"I had told the social workers that my kids were being mistreated," Garcia, 36, said. **"They didn't believe anything. They were saying I was making everything up, because I wanted my kids back."**

Attorney Ron Enabnet, who represents the foster agency, said privacy concerns prevent him from commenting on the allegations. San Joaquin County has asked Judge Bob McNatt to be excused from the case, saying the county should not be named as a defendant.

The San Joaquin County District Attorney's Office declined to file criminal charges against the foster family last year, saying Charlie was accidentally burned by "sloppy" bathing from his foster father.

**Stockton police took Garcia's seven children away May 9, 2002, after responding to a call that Jorge Garcia was causing a disturbance. Police said they found the home in squalid conditions and cited the Garcias with two counts each of misdemeanor child endangerment.**

Charlie and his 3-year-old brother, Christian, were placed in the custody of a Stockton couple June 12. Charlie suffered the burns June 27 but wasn't taken to a hospital until the next day, when blisters appeared.

Carmen Garcia didn't want her children removed, "but they got removed, and the child gets hurt even more," said her attorney, Vittoria Bossi, who is representing her in the civil lawsuit and will only be paid if Garcia receives a settlement or court victory. "The house might get dirty, but that's what happens when you have seven kids."



Carmen Garcia said the skin on her son's buttocks is discolored from the incident and the long-term damage, if any, isn't yet known.

The Garcias used a different attorney in successfully fighting the criminal charges, which were dismissed Sept. 11, 2002. **But paying for the defense cost them most of their possessions. Court documents listing Carmen Garcia's address on Harrison Street don't reveal it's also the address for the Stockton Shelter for the Homeless.**

"I lost all my stuff to get a lawyer," said Carmen Garcia, who's worked in the billing department of a Stockton hospital for three years. **"I lost my house, my cars, lost everything to get an attorney to fight for what was right, and I was the loser.** Money's not going to solve nothing. The hurt, the anguish, it won't solve it."

The Garcias recently found a home to rent in south Stockton, but Carmen Garcia relies on public transportation and rides from co-workers to get to work. She has a car, but it doesn't work.

Her husband doesn't work so he can stay home with the children, she said.

"I don't trust nobody," Carmen Garcia said.

\* To reach Lodi Bureau Chief Jeff Hood, call (209) 367-7427 or e-mail [jhood@recordnet.com](mailto:jhood@recordnet.com)

# NOW says family court corrupt, harms children

By Troy Anderson  
Staff Writer

Tuesday, June 25, 2002

**The family court system in California is “crippled, incompetent and corrupt” and enriches judges, attorneys and mental-health professionals at the expense of children,** according to a new report to be released today by the California branch of the National Organization for Women.

**After a three-year inquiry, the report’s authors concluded that the state’s family law courts have developed into “full employment programs” for private court mediators, psychologists, psychiatrists, counselors, educators and attorneys.**

“What we are seeing is a lack of ethics and proper courtroom codes in the family law system,” said Rachel Allen, public relations director for NOW. “As a result, judges, attorneys and other personnel are lining each other’s pockets instead of acting in the best interest of the child.”

Family courts, part of the Superior Court, are devoted to cases involving divorce, child custody, paternity and similar issues.

Los Angeles Superior Court spokesman Allan Parachini said the inquiry was an interesting project, but that family court judges would like to see the report before making comments.

“We have some questions about the methodology in terms of how the data was developed and to what extent this is randomized data,” Parachini said. “Our position would be that our system does the best job it can, that it obviously can be improved, but we do not feel we are complicit with ... money grubbing.”

The report was based partly on court files, interviews with people involved in child-custody cases and data from 300 parents who filled out an extensive Internet questionnaire. In nearly one-fourth of the 300 cases, judges awarded custody of children to fathers with criminal records who were accused of abusing them, according to the report.

“The findings suggest that women who are victims of domestic violence, whose children make allegations of abuse against their fathers, are particularly at risk of losing custody of their children to the perpetrator,” NOW Executive Director Helen Grieco wrote.

“In the most egregious cases, perfectly fit mothers who were primary caretakers are stripped of custody to release fathers from child-support obligations.”

David L. Levy, president of the Children’s Rights Council in Hyattsville, Md., said the NOW report makes a “preposterous charge.”

“I would not imagine there is one shred of documented, supported and reliable evidence that California routinely gives custody to abusers and has a financial incentive in doing so,” Levy said.

Ronald Isaacs, a Baton Rouge, La., attorney and founder of The Fathers Rights Foundation, said women’s groups and family law attorneys encourage women to make false allegations of domestic violence and child abuse.

**“Eighty percent of the accusations of domestic violence that are filed while a divorce is pending have proven to be false allegations made solely to gain an advantage in the custody cases,” Isaacs said.**

“On the whole, the system is corrupt and does favor fathers in a lot of different ways,” she said. “Judges abuse their power and discretion and make rulings based upon their unconscious identification with the fathers.”

Laurie Levenson, a law professor at Loyola Law School in Los Angeles, called the report very alarming. “Does it bother me that people with criminal convictions are getting access to children? Yes. It would bother anyone,” Levenson said.

Neal Tenen, a Sherman Oaks attorney and former chairman of the family law section of the San Fernando Valley Bar Association, said it might appear there are some financial incentives built into the system, but that ethical attorneys and judges don’t abuse the system.

“Sometimes an attorney, not meaning to, can cause an action to go a little further along than it should and cost more, but there are other times clients don’t want to follow the attorney’s advice,” Tenen said. “You get parties — whether a man or woman — who are very vindictive against the other spouse, and they just want to go to court and battle, even though their attorney can advise them otherwise.”

**Authors of the report charge that organizations purporting to provide nonprofit continuing education and support services for family law attorneys are a form of corporate fraud with an ulterior motive for perpetuating a corrupt system.**

The report follows the April release of an audit by the Los Angeles Superior Court Judges Association that found judges treated themselves to golf tournaments, ocean dinner cruises and other outings with money from an obscure fund, started in 1960, partly supported by child-custody and support cases.

The association found that judges were not improperly influenced in legal cases by funds contributed by attorneys and clients involved in child custody and support cases, but the association’s board voted in December to end the practice of accepting contributions from lawyers and others and to use only dues paid by judges for group events.

NOW will release the report today and, along with the legal watchdog group Judicial Watch, will hold a press conference in Los Angeles. The conference is scheduled after a hearing in the state’s 2nd District Court of Appeal involving a Sierra Madre resident who lost custody of her daughter in 1998 after alleging that the father had abused the girl.

# Mother violated custody to bring kids home, loses life in the process

Cox News Service  
December 21, 2003

Samantha Pardue was jacked with adrenaline and on the run from the law. Her three kids and husband, Keith, were packed in a Ford Ranger pickup driving through the dark, frozen farmlands of Iowa, heading home to Cleveland, Ga.

She flicked on the radio and heard a news bulletin reporting she and Keith were wanted for having abducted her children, who had been living with their grandmother in northwest Iowa. They passed an interstate sign flashing their description to the public.

Michelle Pardue got an early-morning phone call Dec. 11 at her home in Georgia from Samantha, her sister-in-law. "She said, 'I don't know if we're going to make it and I don't have many minutes on my phone, but they have an Amber alert out on us,'" Michelle said.

They were fugitives, but everyone -- authorities, family members, and even the woman who called the police -- knew they were headed home. They had nowhere else to go. Later the next day, on the evening of Dec. 12, Samantha called Michelle again. This time, Samantha was in jail in White County. She and Keith had been arrested soon after arriving home in Georgia.

Samantha told Michelle she was having trouble breathing. "She said, 'I don't think I can handle any more of this,'" Michelle said. "And what do you say? Her kids are gone. She's in jail. Her husband's in jail. I just told her to hang on."

But Samantha didn't. Minutes later, she collapsed. Prisoners called the guards and she was rushed to a hospital, where she died.

The Georgia Bureau of Investigation is investigating her death. Special Agent John Cagle said family members told investigators that Samantha, a 30-year-old who had lived a rough life, had heart problems. The autopsy found no trauma and a pathologist is reviewing prior medical records and awaiting results of a toxicology report, which will take several weeks, Cagle said.

Michelle said a nurse from the emergency room came to Samantha's wake. "She felt Samantha died of a broken heart," Michelle said.

## Bitter family fight

The Pardues' 2,300-mile odyssey started because of a relatively common occurrence -- a bitter familial custody dispute. On Tuesday, Dec. 9, Samantha's mother, Rosie Davidson, took out the emergency juvenile court order in Iowa for temporary custody of the children, who had lived with her for the past month. The order alleges the Pardues used drugs and had financial troubles, Iowa officials say.

Davidson said she took in the children last month when Samantha called, saying White County child welfare officials were going to put them into foster care.

Child welfare officers have had a long history of involvement with the Pardue family, according to Jed Nitzberg, a spokesman of the Division of Family and Children Services.

Since 1990, child welfare workers in three Georgia counties visited the Pardues for allegedly neglecting their children, Nitzberg said.

There has been no evidence of abuse, and the children were never taken into protective custody, he said.

Davidson said she wanted to give her grandchildren stability. Other family members, like Rita Evans, an in-law of Samantha's, say Keith and Samantha had problems and were trying to get back on their feet, but they were not bad parents and not drug users.

That night, 12-year-old Starla Pardue, Samantha's oldest child, called from Iowa, saying she wanted to come home, both families say. The Pardues say the girl complained that she and her siblings -- Ryan Pardue, 10, and Skyla Mumper, 6, -- were being mistreated by her grandmother. Davidson said Starla had merely had a "catfight" with her cousin and was homesick.

At that, Samantha and Keith headed to Iowa, where they had lived for much of 2002. They were trying to make a new start, with Keith taking a new job driving big-rig trucks. They remarried there in 2002. They were first married in 1990 and later divorced.



Nearly a day later, about 7:30 p.m. Wednesday, the Pardues arrived in Spencer, Iowa. After an argument, they left with the children. Their exit was so hurried they left without shoes or coats, authorities and family members say. "I ran out in the snow after them," said Davidson.

#### Nationwide alert

Davidson called Spencer police, who activated a statewide Amber alert, which was then picked up by newspapers and television news reports across the country.

The alerts are named after Amber Hagerman, a 9-year-old Texas girl who was kidnapped in 1996 and later found dead, and are issued in child abductions where authorities believe the child could be in danger. This year, the system was expanded nationwide.

The system was designed to find children kidnapped by strangers in the critical minutes and hours after an abduction.

But Spencer Police Chief Mike Lashbrook said the court order giving Davidson temporary custody said the children were in "imminent danger" under their parents' care. That was the basis of the alert.

The word went out, and while authorities say they were concerned, they weren't particularly worried that the Pardues would hurt the children.

"Let's face it, they were family; that's where they came back to," said White County Sheriff Neal Walden. "I've known the families on both sides; I've known Keith about all my life. We figured they'd come back here. They didn't have anywhere else to go but home."

Tommy and Michelle Pardue heard a knock on the door in Cleveland Thursday night, Dec. 11. It was Keith and Samantha and the children, who had once lived with them.

"She looked more worn out than Keith," Michelle recalled. "He looked psyched up, trying to run off energy. He was on an adrenaline rush."

They decided to head to Keith's father's house, they knew the law would be looking for them. They grabbed some clothes and the children squealed with delight, meeting the brindle bulldog puppy that Samantha had gotten for them in their absence.

White County deputies soon found them at the other home and arrested them.

"The kids appeared sleepy and upset," said the sheriff. "They've been pulled out of a home (in Iowa) and out of a home here. Keith's in pretty wrecked shape."

Rita Evans, Samantha's in-law, said the sheriff offered to pay funeral expenses.

"It's been a nightmare," said Davidson, who now has custody of six of her nine grandchildren.

Davidson said the children "are doing better than I am." She hasn't asked them many questions about the ordeal. She plans to return to court to try to gain permanent custody.

Keith Pardue, biological father of the oldest child, remains in the White County jail, held on probation violation charges. Iowa officials say they will bring him back to face felony charges of disobeying a court order and interference with custody.

Meanwhile, Samantha's relatives await word on what caused her death, and they talk of thwarting Davidson's plans to win legal custody of the children.

"They did what any parent would do, they went and got their kids," said Anita Morgan, who is married to Samantha's brother. "All she ever wanted to do was take care of those kids, and she died trying."

Bill Torpy writes for The Atlanta Journal-Constitution. E-mail: btorpy(at)ajc.com. AJC researcher Joni Zeccola and staff writer Richard Whitt contributed to this story.

<http://www6.lexisnexis.com/wpublisher/EndUser?Action==UserDisplayFullDocument&orgId=7&docId=167166762&topid=279&start=1&topics=single>



# DCS problems took Bredesen by surprise

**Monday, 11/24/03**

By BONNA de la CRUZ *Staff Writer*

Troubles from a continuing federal court case over the state's foster-care system began bubbling up in June, but Gov. Phil Bredesen said his office wasn't notified about the problems until October.

It was a breakdown in management at the Department of Children's Services, although ultimately, Bredesen said, he blames himself for the failings at DCS.

Last week was a tough one for DCS. On Tuesday, Bredesen fired DCS Commissioner Mike Miller for failing to put the department on a timetable to meet the terms of a court settlement reached more than two years ago in the suit over the state's foster-care system.

Two days later, after Miller was let go at DCS, the plaintiffs in the court case asked a federal judge to find Bredesen and DCS in contempt of court for not taking steps to comply with the agreement.

Now the governor is relying on two groups — his so-called Children's Cabinet and a multidepartmental "working group" that he appointed on Thursday — to aid DCS through the crisis.

Bredesen instructed the new working group to write a step-by-step plan to meet the terms of the settlement, which the state is supposed to have implemented 26 months from now.

Bredesen wants the plan detailed down to deadlines and names of individuals responsible to see that each action step is carried out, he said. Miller left no such blueprint, said Bredesen, who faulted himself for not hiring a commissioner with stronger management skills.

Meanwhile, the 8-month-old Children's Cabinet will be looking at broader issues of how to realign DCS so it better meets the goals of helping children, Bredesen said. The Children's Cabinet, which includes various state department commissioners, children's advocates and Tennessee first lady Andrea Conte, deals primarily with issues that cross departmental lines, said Tam Gordon, special assistant to Bredesen and a Children's Cabinet member.

The panel has accomplished three tasks, Gordon said:

- Reviewed individual case files of children in state custody who have fallen through the cracks to identify gaps in services.
- Heard presentations from children's advocacy groups and providers of children's services about the climate of care.
- Pushed for recruitment of foster parents. Looking at case files was the first task assigned by Bredesen.

Among the cases was that of a sexual offender who served two years in a youth facility and had no "step-down facility" to go to before being released to life at home, Gordon said.

The Children's Cabinet also looked at cases of families needing financial help for their children with mental illnesses, she said.

The working group is scheduled to meet early this week to plot a course of action, said Steve Norris, deputy commissioner of the state Division of Mental Retardation Services and chairman of the panel. Some members spent the weekend reading the settlement agreement and related reports, Norris said.

He is unsure how long it will take to write a strategic plan for DCS to comply with the settlement agreement, which was reached by the Sundquist administration.

One of the most egregious findings in a federal monitor's report was the lack of face-to-face visits between children in state custody and their case managers, plaintiffs said. DCS was meeting the requirement to visit children twice a month just 40% of the time, DCS officials said.

Bredesen told Miller earlier this month that he wanted to see improvements immediately.

Miller told Bredesen at a DCS budget hearing last Monday that he hoped to get to 80% in "short order." Bredesen later said, "I don't want to hear that someday, we'll get to 80%. I want to hear a strategy on how you get to 45%, then to 65%, and dates on when you get there."

# HIGH-RANKING OFFICIALS IN TENNESSEE INVOLVED IN COVER-UP OF KIDNAPPING BY CASEWORKERS

12-26-2003

Tennessee Governor, Phil Bredesen attempted to deflect blame when he recently requested the resignation of Dept. of Children's Services Commissioner, Michael J. Miller, after contempt of court charges were levied against the state.

The fact that the state was out of compliance with a federal court order was brought to the governor's attention in early January, immediately after he took office, but the Governor refused to act and instead, turned over complaints to the commissioner's office, which also ignored the formal complaints.

However, in a Tennessean article, which ran on November 24, 2003 entitled "DCS problems took Bredesen by surprise," the governor went on the record stating his office wasn't notified about the problem until October of this year.

A petition to U.S. District Judge Todd Campbell states the evidence of contempt is "clear and convincing," citing a recent federal monitor's report showing that the department so far has complied with only 24 of 136 settlement provisions.

Documentation submitted to the governor, the former commissioner, the Office of the Ombudsman for Children and Families, and the Tennessee Bureau of Investigation by a family who's children were illegally removed by caseworkers proves that not only was the governor made aware of the fact that the state was in contempt of court, but this fact was covered up and ignored. This was after court records proved that caseworkers in Davidson County conspired to commit especially aggravated kidnapping, as clearly defined under federal color of law.

DCS and juvenile court documents demonstrate that there has been a concerted and malicious effort on the part of high-ranking officials in Tennessee to cover up their illegal activities and to prevent the custodial parent from retrieving her children.

According to the children's mother, the state has known for over a year that multiple state and federal felonies have been committed in her case, and that officials at several levels have gone to extreme lengths to cover this up. Further, they have refused to press charges of any kind against the alleged perpetrators, despite mounting evidence.

"The state is well aware of what they did wrong, and have refused to acknowledge responsibility or try to correct their mistakes. They are holding my children hostage, because they know once I get them returned to my care, and they are safely out of the clutches of the kidnapers, they're facing another federal lawsuit. The state cannot afford justice in this case, and my children are the victims of their arrogance. None of this has been perpetrated by some faceless autonomy, but by elected judges, court-appointed attorneys, caseworkers and the lies go as high up as Governor Bredesen himself," said the children's mother, in a telephone interview from her home in Iowa.

The mother has asked that her identity remain confidential, because she fears for the safety of her children and expects retaliation.

[http://familyrightsassociation.com/news/archive/2003/dec/tennessee\\_coverup.htm](http://familyrightsassociation.com/news/archive/2003/dec/tennessee_coverup.htm)





# Judge Rips DCFS Probes System Ruled Unconstitutional

By Matt O'Connor and Kim Barker, Chicago Tribune staff reporters

April 3, 2001 A federal judge Monday ordered the Illinois Department of Children and Family Services to **revamp how it investigates allegations of child abuse and neglect, saying the system is unconstitutional and has too often led to false accusations of wrongdoing against child caretakers.**

The 102-page ruling by U.S. District Judge Rebecca Pallmeyer concluded that DCFS investigations are one-sided, decided on little evidence and unfairly blacklist professionals accused of wrongdoing. In issuing a preliminary injunction, Pallmeyer gave DCFS 60 days to come up with "a workable solution" with attorneys who brought a class-action lawsuit over the practices.

Otherwise, the judge warned she might appoint a mediator to step in. DCFS officials called the decision narrow and said it would have no immediate effect on investigations of child abuse and neglect. Evidence in the case showed that about two-thirds of DCFS investigations result in no findings of abuse or neglect. But in the remaining cases, three-fourths of the child-care employees who had been accused by DCFS of abuse or neglect and appealed those findings were ultimately exonerated, though sometimes not until years later.

Something is seriously and obviously flawed in a system" in which so many cases are reversed on review, Pallmeyer said. Diane L. Redleaf, an attorney for the plaintiffs, said Pallmeyer's decision could have national ramifications because virtually every state investigates child abuse and neglect in a similar fashion. In Illinois, Redleaf said she thinks DCFS officials err on the side of children in these cases in part because of the widespread criticism the child welfare agency took for its botched handling of the horrific death of Joseph Wallace in 1993.

The case of the 3-year-old boy, killed by his mentally ill mother after he was returned to her by the state, prompted wholesale reforms in the child welfare system.

"The answer to that is you have to be accurate," said Redleaf, who indicated that in many instances DCFS investigators decided guilt or innocence on their first visits with the accused.

Carolyn Kubitschek, a New York City lawyer and vice president of the National Coalition for Child Protection Reform, said Congress and state legislatures across the country overreacted to the problem of child

abuse. Overburdened system With laws threatening to punish professionals who don't report suspicions of child abuse, the result has been a child welfare system overburdened by mostly unsubstantiated allegations, Kubitschek said. "I would say this is definitely a nationwide problem," she said. In her decision, Pallmeyer said she was most troubled by the low standard of proof required for DCFS investigators to find abuse or neglect "what DCFS refers to as a finding of "indicated," as opposed to unfounded.

Investigators must find "credible evidence," but Pallmeyer said evidence in the lawsuit showed that DCFS investigators interpreted that to mean that any credible evidence of abuse or neglect was sufficient. That led investigators to be one-sided and superficial in their efforts, often disregarding evidence in favor of the accused, the judge said. But the consequences for the accused child-care workers "including social workers, day-care workers, foster parents and teachers" were harsh. According to evidence in the case, thousands lost their jobs over the years and were essentially blacklisted from further work in child care while the taint of the allegations hung over their heads. Delayed appeals Compounding the unfairness of the DCFS system was what Pallmeyer called the "indefensible delays" child-care workers faced in their appeals of accusations of wrongdoing.

The losers weren't just qualified child-care workers but also the children of Illinois, Pallmeyer said. "First, when a caregiver is unjustly indicated, and consequently barred from any contact with the children for whom he or she cared, it is the children who lose the benefit of a stable environment," the judge wrote. "The court is also concerned that while the appeal of an indicated individual languishes in the administrative process, actual perpetrators, not targeted during cursory investigations, remain at work in the child-care field.

"Furthermore, Pallmeyer said, "the extraordinary delays may well result in exoneration of guilty parties." One plaintiff in the lawsuit, a 10-year-old girl from Downstate Carterville who helped out at a day-care center her parents ran in their home, was investigated for helping young children pull up their pants, her lawyers said. After a finding of abuse, DCFS required that she remain out of her own home for 14 hours a day for months, the lawyers said. She stayed with family friends and her grandmother and at other times just drove around in the family van with her father.

Years later, her name was cleared of wrongdoing, but not before she threatened suicide, the lawyers said. "It was nerve racking," the girl's mother said Monday. Some

advocates say the decision will help hold DCFS workers to higher standards for gathering evidence and determining whether a child was abused or neglected. But others, including DCFS officials, worry the decision might increase the burden of proof so much that children will be harmed." Our overall concern about the finding is there might be some children placed at risk," said Carolyn Cochran Kopel, chief of staff for DCFS. DCFS officials said the ruling was narrow, affecting only child-care employees.

But Redleaf said the system Pallmeyer found to be unconstitutional also applied to parents accused of abuse or neglect. Both the attorney general's office and DCFS said they are considering whether they will appeal Pallmeyer's decision. Improved performance The ruling comes at a time when DCFS has been performing much better than in past years, advocates said. Benjamin Wolf, the American Civil Liberties Union lawyer whose suit against DCFS led to a 1991 court order to reform the agency, said the department has made significant improvements recently, including finding more stable adoptive homes and reducing caseloads for workers.

"While it's still not adequate, kids are less likely to be hurt now than five years ago," Wolf said. On Monday, the state announced that the number of children abused and neglected declined nearly 3 percent in the past year. Since 1995, the number of cases has declined by 26 percent. And last summer, the department met every requirement set by the Council on Accreditation for Children and Family Services, the second statewide agency in the country to meet the private group's tough standards. John Poertner, director of the Children and Family Research Center at the University of Illinois at Urbana-Champaign, said Illinois could follow the lead of states such as Kansas and New York, where lawsuits have led to requirements for a higher standard of proof for neglect and abuse.

"It's troublesome that someone can have an individual report and that report can keep that person out of a job when it may not have been a serious matter, when they may not have had enough evidence," Poertner said. "On the flip side, raising the standard of proof could put some children in danger."



## ***The fraud of Attention Deficit Hyperactivity Disorder (ADHD)***

***by Dr. Fred Baughman***

Fred A. Baughman Jr., MD has been an adult & child neurologist, in private practice, for 35 years. Making "disease" (real diseases—epilepsy, brain tumor, multiple sclerosis, etc.) or "no disease" (emotional, psychological, psychiatric) diagnoses daily, he has discovered and described real, bona fide diseases.

It is this particular medical and scientific background that has led him to view the "epidemic" of one particular "disease"—Attention Deficit Hyperactivity Disorder (ADHD)—with increasing alarm. Dr. Baughman describes this himself. Referring to psychiatry, he says:

"They made a list of the most common symptoms of emotional discomfiture of children; those which bother teachers and parents most, and in a stroke that could not be more devoid of science or Hippocratic motive—termed them a 'disease.' Twenty five years of research, not deserving of the term 'research,' has failed to validate ADD/ADHD as a disease. Tragically—the "epidemic" having grown from 500 thousand in 1985 to between 5 and 7 million today—this remains the state of the 'science' of ADHD."

In addition to scientific articles that have appeared in leading national and international medical journals, Dr. Baughman has testified for victimized parents and children in ADHD/Ritalin legal cases, writes for the print media and appears on talk radio shows, always making the point that ADHD is fraudulent—a creation of the psychiatric-pharmaceutical cartel, without which they would have nothing to prescribe their dangerous, addictive, Schedule II, stimulants for—namely, Ritalin (methylphenindate), Dexedrine (dextro-amphetamine), Adderall (mixed dextro- and levo-amphetamine) and, Gradumet, and Desoxyn (both of which are methamphetamine, 'speed,' 'ice').

The entire country, including all 5-7 million with the ADHD diagnosis today, have been deceived and victimized; deprived of their informed consent rights and drugged—for profit! It must be stopped. Now!

**Visit the website: [www.adhdfraud.com](http://www.adhdfraud.com),  
[fredbaughmanmd@cox.net](mailto:fredbaughmanmd@cox.net)**

# Battle brews to curb agency

By Bill Brown, Editor July 23, 2003

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**Throughout the United States cases of raw abuses of power are documented detailing circumstances where social service agencies have reached into homes and taken children away from their parents, in many cases with very little justification. At least this is what was reported during a meeting last week in Salem Township.**

Organizations formed to battle back against this alleged cruel practice, estimate that between 600,000 and 800,000 children have been literally torn away from parents. In many cases the parents never see their children again.

A law enacted to protect children victimized by abuse or neglect has reversed the noble attempt to protect and nurture American families. Critics claim it is being used instead to tear families apart and it is happening, they charge, for nothing more than money.

**State agencies are battling for the almighty dollar, speakers said. These agencies have learned that the more children they can put under state control brings in more money from the state and federal government.** It is estimated that each child placed under the state's umbrella **is worth about \$7,600 in federal funds and about the same amount in state funds.** This money keeps agencies like the FIA and its Child Protective Services department in operation, the critics maintain.

The organizations are compiling first-hand accounts, comprehensive records of cases where the innocent have been made into the villain, and they are lobbying state and federal legislators to put controls on agencies that are abusing existing laws.

When and if changes are eventually made, the community of Burnips can take pride in knowing they played a part in making it happen. Thursday evening, July 17, about 115 citizens gathered in the Salem Township Hall where the Citizens for Parental Rights hosted an educational meeting to inform interested parties about the situation. Dave Nyhof, vice president of the organization, said that 7,600 families are turned in daily under suspicion of child abuse; 7,200 of these complaints are proven to be false. **"The terrible fact is that even though most of these families were innocent,** the terrible stigma of even being suspected never really goes away."

State Rep. Fulton Sheen was the keynote speaker at the gathering. He told his audience he was aware of their plight and said there are bills **being considered in the Michigan legislature to curtail some of the power of the Family Independence Agency and its Child Protective Services** department. Sheen said that he and

other legislators have been made aware of many of the alleged abuses of power used by the agency to take children away from their families. "The system is obviously broken and it needs to be fixed," he said.

In addition to the many parents and grandparents who attended the meeting were representatives from the National Alliance for Parents and Families and the group, Unity for Parents & Children.

Karon Hamilton, chairman of the Unity for Parents & Children, based in Flint, said her group, in addition to acting as 'court watchers,' monitoring on-going cases involving Child Protective Services, investigates allegations brought by parents against the agency and false charges filed against parents by unidentified sources.

"These sources might be your next door neighbor, somebody you have had a problem with at work...You just never know," Hamilton said.

Her group looks into accusations brought by doctors, ministers, psychologists and unidentified individuals. "There is too much pressure put on these professionals. The Mondale Act stipulates that if they even have a suspicion that a child has been abused they must report it. If they don't they can lose their license to practice," she said.

"There are too many instances where the agency is 'losing' records and taped interviews. Documentation in their possession is disappearing. We want to see this situation corrected," she said.

A distraught mother, Angela Roberts, poured her heart out as she led the audience through a step-by-step account of what she said was her ordeal with Child Protective Services. Her husband was accused of molesting one of her daughters by a previous marriage, he was jailed, went to court and was found innocent by a jury. After that it was one thing after another with the agency harassing the family. They brought other charges, removed the children from the home and after several months stopped the parent's visitation rights.

Angela said she did everything her case worker asked, attended every counseling session and even sought more parenting guidance on her own. Then two months ago she learned that her children had been adopted out.

Another parent whose children were removed from the home based on unfounded accusations told of the children being placed in foster care. Her son was in an overcrowded home, sleeping in a top bunk, while a young man and his girlfriend slept in the bottom bunk.

The parade of victims continued, with a woman telling the story of her husband molesting one of her children. He was



jailed, the kids were placed in foster care, and her son ended up in a psychiatric ward because of what was going on in the foster home.

A grandmother who had custody of her daughter's children told of her unhappy experience with the CPS. Now she is not allowed to see the children and was informed that grandparents have no rights in this situation, even though she was the guardian.

Sheen said there is legislation already in the process to remove the state ombudsman from the office of the FIA and make it an independent agency. He said that in the past reports generated by that office relative to complaints filed against the FIA were "sanitized" before they left the agency.

"I think perhaps they receive as many as 800 complaints a year and maybe 100 are investigated," he said. "I urge you to contact your state senator and the governor and make sure this bill is passed and signed."

Jon DeWitte, director of Public Policy for Rep. Pete Hoekstra, told the audience that Hoekstra was recently instrumental in having a bill passed and signed by the president that will, (1) improve child protective services personnel and promote collaboration with families and insure that they know their legal authority; (2) improve public education on the role of the child protective services system and appropriate reporting of suspected incidents of child abuse to reduce the number of false and malicious allegations; (3) require citizen review panels to provide for public outreach and comment in order to help states assess the impact of the procedures and practices of the child protective system upon their children, families and individuals in the community.

"Rep. Hoekstra wants me to tell you to keep him in the loop. He will work with you and our state legislators to help remedy this situation," DeWitte said.

One speaker told the audience that CPS caseworkers could come to your door and take your children. They will tell you, you must let them in your house. They will intimidate you.

"If the police arrest you they must read you your Miranda rights. CPS is under no such restraints," he said. "You need to know your rights so these people can't walk all over you."

An attorney in attendance said he was shocked at the poor representation lawyers give to family related cases. "I think this is a result of not enough training in this field," he said. Others spoke of judges who appeared to be uncomfortable hearing these types of cases and "rubber stamping" CPS legal papers. "I don't think judges like to be bothered with legal papers on child abuse cases," Hamilton said.

Nyhof said his group had two short-range goals to achieve. The first was to have the meeting in Burnips and attract as many as 60 interested citizens. "With this crowd here tonight we achieved that," he said. "Our next target is to have a meeting in Lansing in the near future and have 200 citizens attend. The train is on the track and running," he said.

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# Bush expands law promoting adoption

By Scott Lindlaw Salon.com

Dec. 2, 2003 | WASHINGTON (AP) — **President Bush signed legislation Tuesday expanding government incentives that promote adoption.**

Bush renewed a law passed in 1997 that sends \$4,000 in federal money per child to state governments that exceed their placement performances from the previous year. His signature also provides new financial incentives for states to place children 9 and older with adoptive families.

Under the reauthorized law, states will get an additional \$4,000 for every adoption of a child 9 or older, over a baseline set by the Department of Health and Human Services. The department is also required to monitor efforts on adoption by the states, which oversee the foster-care system.

Bush said the 1997 law, an expansion of an adoption tax credit he enacted in 2001 and a new government Web site had fueled a surge in adoptions. "In just five years, from 1998 to 2002, the states placed more than 230,000 children in adoptive homes, about the same number that had been adopted in the previous 10 years," he said, speaking in the Roosevelt Room surrounded by four adoptive families. And 33 states and the District of Columbia have at least doubled foster-care adoptions, he said. "We're making some progress here in America."

But, Bush said, of the more than 126,000 foster children who need an adoptive family, nearly half are over age 9. The president's eyes grew moist when he said: "It would take less than 1 percent of the American population to provide a home to every child awaiting adoption."

"Welcoming a child into your home and calling that child your son or daughter is a major decision. It is never to be made lightly," Bush said.

"Yet so many parents who have made that decision count it among life's greatest and happiest turning points." Bush was flanked at the event by the Martin family of Brunswick, Md. — a mother, father and seven children, four adopted. "It's what we call a good-sized American family," Bush said.



*According to Fox News*  
*Wendy McElroy*

*In the wake of financial incentives without accountability, the number of children in nationwide foster care has doubled from 270,000 in the mid-1980s to 542,000 in 2001. (That figure does not include children who "graduated" upon turning 18.) Once removed to official "safety," these children are far more likely to suffer abuse — including sexual molestation — than the general population. According to the National Center on Child Abuse and Neglect, in 1998 six children per 100,000 population were killed in foster care compared to one per 100,000 in the general population.*

*For many children, foster care becomes permanent. In 1999, almost one in seven children in foster care nationwide had been there for three to four years; almost one in five had been there for five years or more.*

*The human cost of rushing children into foster care does not stop when they reach 18 years old. According to CDDS data, among youths who "emancipate" from foster care, 50 percent do not complete high school; 45 percent are unemployed; 33 percent are arrested; 30 percent are on welfare; 25 percent are homeless.*

*Foster care, as it exists, is often difficult to distinguish from child abuse. Children deserve better, especially children from troubled homes. They deserve to have adults in charge — adults who take responsibility.*

# Parents rip county foster care system

*By Troy Anderson  
Staff Writer*

*Tuesday, November 04, 2003 -*

*In emotionally charged testimony Tuesday before the Los Angeles County Board of Supervisors, parents whose children have been placed in foster care called for an investigation into whether thousands of youngsters should have been taken from their parents.*

The testimony follows the release of a state Department of Social Services report in September that found too many children have unnecessarily been placed in foster care because of “perverse financial incentives” that encourage local governments to earn money by bringing children into the foster care system.

David Sanders, director of the 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 appropriate services had been provided to the families.

Some of the dozens of parents gathered in the Hall of Administration hearing room also questioned whether Los Angeles County judges could fairly hear their cases because the county pays each judge about \$30,000 a year in benefits on top of the state salaries and benefits they receive.

**“We believe that every case has been tainted,” said Shirley Moore, a state Assembly candidate and a member of the California Black Republican Council.**

A court spokesman did not return a reporter’s phone call seeking comment late Tuesday. In the supervisors’ hearing, no public official spoke in defense of the child protective services system. Moore said she and others have gathered nearly 100,000 signatures they plan to submit to U.S. Attorney General John Ashcroft in a request to place the county’s courts under oversight of a federal consent decree. The petition alleges the courts have lost their integrity due to “intrinsic fraud and financial conflicts of interest” in civil and criminal cases involving children’s services, eminent domain and probate.

**“Too many black children are being taken from their homes in the name of grant money,” Moore said. “This criminal enterprise must stop.”**

The Rev. Ruby Lynn Brown, an associate minister from Pasadena and a 34-year employee at County/USC Medical Center, said “relative caregivers” who take care of grandchildren and other relatives in the foster care system are concerned about the large number of children they believe were wrongfully seized from their families.

“There are too many minority children being transported through the system because of the arrogance of children’s services,” Brown said. Brown and Moore said they intend to ask Governor-elect Arnold Schwarzenegger for a state investigation of the child protective services system.

Troy Anderson, (213) 974-8985 [troy.anderson@dailynews.com](mailto:troy.anderson@dailynews.com)





# Dr. Shirley Moore

## Candidate for Assembly

I am running for the 61st Assembly District which consists of Chino, Ontario, Montclair and Pomona which crosses into both Los Angeles and San Bernardino Counties.

I have been exposing corruption within the system for many years. Unfortunately, the public, historically has not understood the level of corruption I have encountered. Today, I have renewed hope that the public cares about how our government is functioning, how it treats the American family, and how their hard earned taxpayer money is being fraudulently spent.

The Director of Department of Children and Family Services (DCFS) admitted that more than fifty percent of the foster children in their custody could have stayed home with their parents. *(This figure is probably the same statewide and throughout the nation!)* He disclosed the children were taken from their parents so the LA County DCFS could benefit from the Federal incentives that compensated their County for seizing and keeping the children. He admitted that poor families were particularly being targeted, because they could offer little or no resistance legally and poor children brought in a higher Federal bounty.

Did you know, in Los Angeles County DCFS, there are more than 30,000 foster children currently in custody. The real cost to maintain one foster child for a year in foster care ranges from \$50,000 to more than \$150,000? This under-reported figure is realized when you consider the cost of judges, attorneys, *(who are appointed for the entire family)*, visitation centers, foster family agencies, foster parents, police officers, social workers, therapists, and many other members of the child abuse industry. According to the LA Daily News, LA county receives \$30,000 to \$150,000 per 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. This is big business, taking innocent children fraudulently from their parents, and getting paid to do it by the Federal government.

In a children's shelter, a child can cost taxpayers \$19,000 per month! An example of this can be found in the article Grand Jury Blasts Children's Shelter on page 72. In a group home, children (mostly teenagers) cost around \$80,000 a year and up. After the parents rights are terminated, adoptive parents receive \$424-\$1,337 per child per 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. And, adoptive parents can receive even higher payments — \$1,800-\$5,000 a month — for disabled children. Do these figures make you wonder how we could ever balance the books in California or any other state? **This bill for taxpayers to pay for foster children, until they are 18, as well as adopted children who are in government subsidized adoptive homes is staggering. Its time to reform the child welfare industry and stop taking children for money.**

I believe that every one of these cases was tainted based upon intrinsic fraud and financial conflicts of interest. The judges are even given extra bonus pay from various counties despite the fact that the state is already paying their salary. These bonuses assure DCFS the judges will look the other way and rubber stamp any recommendations they make.

During my career, I have also appeared before the Los Angeles County Board of Supervisors and confronted them regarding one of their members owning the children's courthouse. I found and possess a copy of the deed with the supervisor's name on it. Hard to believe you say? Read the article by Insight Magazine that follows on page 47 and you will understand the level of corruption I am talking about. Marvn Bryer and I were responsible for uncovering and getting this information to this reporter.

Recently, I started a petition for a consent decree upon the LA County Courts which is intended for Attorney General John Ashcroft. This petition has already collected more than 100,000 signatures. It demands that we want impartially, fairness and integrity returned to our courts by eliminating those who "take favors" in return for "doing favors" at the expense of the people.

I am also concerned about the "three-strikes" law that is in effect. This generates Federal money for every person sentenced. Just like in CPS cases, they target the poor. Most prisoners are there for non-violent, drug related offenses. I believe rehab centers would be more cost efficient and the excess money could be used for the program "No Child Left Behind". This is a better use of taxpayers money rather than operating warehouse corporate prisons.

When elected, I will work to ensure that integrity and fairness return to the courts. I truly believe that once this is accomplished, we will resolve most of the problems that the families and taxpayers are facing.

As a whistle blower, and having been retaliated against myself, I will ensure that laws are implemented to ensure the safety of those who are brave enough to speak out and try to reform our government.

I have a BS in Criminal Justice and a Ph D in religious humanities. I am the first black female to ever be appointed as a state delegate from San Bernardino County which is the largest county in the nation geographically. I am also a member of the NAACP, advisor to Congress of Racial Equality (CORE), a member of many republican woman's groups and the National Director of Legislative Affairs for the American Family Rights Association (AFRA).

Please join me at [www.crusaderadio.com](http://www.crusaderadio.com) for my weekly internet show which airs Monday thru Thursday, 11am to noon. Write to me at [moore4asmly@aol.com](mailto:moore4asmly@aol.com).

If you would like to make a contribution for my grassroots campaign, please make check payable to Friends of Shirley Moore, 12345 Mountain Avenue #148, Chino, CA, 91710.

I hope you review the materials in this media release. If I can count on your vote for 61st Assembly District, I will work tirelessly to reform the system and make it accountable. **We also need to return thousands of foster children to their parents in this district and throughout the state of California and the nation, and make sure that children in the future never experience this corrupt child welfare system.**

*Dr. Shirley Moore*

Dr. Shirley Moore  
Candidate for Assembly  
12345 Mountain Avenue #148  
Chino, CA, 91710

# Creative Financing

By Kelly Patricia O'Meara  
4/15/02

Since the downfall of Enron and the crippling of the former energy giant's accounting firm, Arthur Andersen, a great deal of attention and concern has been focused on big business. To be more precise, the focus has been on whether the well-being of a corporation is real or imagined, and how one can get to the facts by running the maze of complicated financing packages and misleading accounting techniques set up by experts to confuse, obfuscate and obstruct. While most of the hubbub is centered on the private sector, the public sector is by no means exempt from such shenanigans.

For instance, one need take but the barest peek at the funding of municipal projects in Los Angeles County—a microcosm of the nation's local funding policies—to see that accountancy in county and municipal governments can be just as opaque where there is a desire to deceive. Just as Enron shareholders blindly followed management's hype, taxpayers in the County of Angels appear to have drifted into a trance when confronted with how their civic monies are handled. What is clear is that the taxpayers—call them shareholders in the county—pay their money into the system and then look the other way. Where the money goes, how it is used and who gets the equity it buys is anyone's guess.

Nowhere is this more evident than with the increasingly used financial instruments known as certificates of participation (COPs). It's fair to say that those who run Los Angeles County prefer COPs. Literally dozens of municipal projects involving hundreds of millions of dollars have been financed using these financial instruments, which for all intents and purposes are bonds or debentures backed by county or municipal credit.

Insight recently decided to take a close look at the financing of the Van Nuys Courthouse, just one of the COPs-funded municipal projects. After nearly a month of chasing public records and interviewing county officials about the courthouse project, this magazine found that not one person in the county government was willing to admit to being fully knowledgeable about the deal. Not

County Auditor J. Tyler McCauley, not County Counsel Frederick Bennett and not any of the county employees who have handled the Van Nuys project since its inception.

Whether these people are ignorant of the details or just lost in the contrived confusion of the deal, now in its second decade, is unclear. What is clear, however, is that it would take an army of accountants and lawyers to unravel the highly questionable funding mechanisms being used. Even so, based on the sketchy documentation provided by the Los Angeles County, here is how COPs have been manipulated in the Van Nuys Courthouse project and why such funding may be of interest to

voters nationwide where this appears to have become the funding method of choice among tax-sensitive municipalities.

In 1984 the Los Angeles County Board of Supervisors approved the formation of a private corporation to be known as the Los Angeles County Courthouse Corp. (LACCC). The supervisors then appointed five people to serve as directors of the corporation, which qualified as a tax-exempt organization under Section 401(c) of the Internal Revenue Code.

Michael Antonovich, head of the Los Angeles County Board of Supervisors, appointed Michael J. Farrell to the LACCC in 1984, just a year before the young lawyer also was appointed to the U.S. Bankruptcy Court and two years later to the bench of the Van Nuys Municipal Court. This has raised questions about a potential conflict of interest in his participation on the board of an LACCC that gets its funding from court fines and fees. Antonovich declined to be interviewed by Insight.

But here is the kicker: For all intents and purposes Judge Farrell, as a board member of the LACCC, is owner of the building in which fines are levied to benefit renovation and construction of future courthouse projects, and from which millions in courthouse rents were paid to the LACCC.





Despite the fact that Farrell is very much an integral part of this peculiar corporation, he claims to have little knowledge of it. He tells Insight that the extent of his participation is to “attend a meeting of the corporation every now and then.” The judge claims to have had no idea that the corporation of which he has been a board member since 1984 had collected millions in rents and did not even deed the Van Nuys Courthouse to the county until 1997. He says his understanding of his responsibilities to the LACCC were to “see that the county got a good deal on building the courthouse.”

The fact that the courthouse was transferred to the county by a quit-claim deed in 1997 raises several issues, including who actually owned the building from the beginning. While county officials and LACCC board members repeatedly assured Insight that the corporation was a governmental entity, the fact remains that to deed the property to Los Angeles County, the corporation first had to own it. In fact, common sense dictates that the county could not deed itself property that it already owned.

In December 1985, the county sold \$50.5 million in COPs “bonds” to raise the necessary funding for the courthouse project. Tudor-Saliba Corp., a local contracting firm, won the construction bid of \$43.3 million. The real-estate chosen as the new courthouse site was taken under condemnation, and the LACCC obtained the landhold for a mere \$5 on property today worth many millions.

The bronze plaque gracing the lobby of the 10-story building gratefully acknowledges that the construction of the courthouse resulted from proceeds of the Allen Robbins Courthouse Construction Fund, state legislation passed for the purpose of assisting in the construction or renovation of courthouses throughout the state (California Code 76001). There is no mention on the plaque of the LACCC or of the private citizens who bought COPs “bonds.”

The intent of the Robbins legislation was to raise funds for municipal projects by increasing the penalties or surcharges due from infractions, misdemeanors and felonies. For example, an additional surcharge is added to a speeding ticket for the purpose of funding new civic projects. If a driver is fined \$100 for exceeding the speed limit, an additional \$7 is added for every \$10 of the fine. That is a \$70 increase per \$100 that is supposed to go into the special Robbins Fund. Despite requests from Insight, county auditor McCauley says he is unable to provide detailed information about how much money has gone into the Robbins Fund since its inception or how much has been used since 1985 to pay down the debt of the COPs bonds for construction of the Van Nuys Courthouse.

What is clear, however, is that taxpayers have been making payments on the courthouse since at least 1988. Currently the yearly “rent” is nearly \$5 million a year, with a little more than \$3 million going to pay just the interest on the

COPs. The COPs “debentures” for the Van Nuys Courthouse first were sold in 1985. The current debt on the courthouse is \$39 million. Considering the cost to build the courthouse was \$43 million, it appears that the taxpayers have paid off a mere \$4 million of this debt over a 17-year period.

If the debt payments remain on schedule, the Van Nuys Courthouse will be paid off in 2015. But because the interest on COPs is much higher than on general-obligation bonds (GOBs), officials say, the county twice has refinanced the courthouse debt. The breakdown of these transactions suggests something else may be afoot: In 1985 the original debt was \$50.5 million, but in 1991 the county participated in a “master refunding” of the debt for \$89.4 million, then again in 1997 arranged a second master refunding for \$186.9 million. Based on documentation provided by the county auditor, it is unclear how much of this money ever was dedicated to the refinancing of the courthouse or, for that matter, even what the \$186.9 million figure represents.

Surprisingly, with LACCC in charge, **hundreds of millions of dollars in public funds have been sunk into these special projects while the voters who are paying for them never have had any say about when, how and who builds them, or even whether they are needed. This goes against everything voters in California believed they stopped years ago.**

In 1978 state voters passed Proposition 13, legislation intended to protect property owners from being taxed out of their homes by ever-escalating tax increases for municipal projects. In 1986 voters passed a second piece of legislation, Proposition 62, to further protect taxpayers from unwanted development projects.

Beyond these laws insisted upon by furious taxpayers, the California Constitution states that no general-obligation debt can be assumed without a two-thirds voter approval. What many now believe is happening is that the COPs debentures have become the artifice of choice for bypassing state laws and skipping voter approval altogether. Los Angeles County and other municipalities throughout the United States appear to have found a way to fund long-term debt without their taxpayers even knowing about it. This has caused great consternation for many advocates of taxpayer rights, including Jon Coupal, president of the Howard Jarvis Taxpayers Association, a California nonprofit organization acting as a legal and political watchdog to resist increased taxation.

Coupal tells Insight that his organization is very concerned about COPs because **“they are a financing mechanism designed solely to avoid voter approval of long-term debt. They look like bonds, walk like bonds, quack like bonds. They’re bonds, except that they are considered something other than bonds.”**

According to Coupal, "The law has been created by the bond houses, lawyers and underwriters, and they say that these things [COPs] don't involve or require voter approval. What they will tell you is that they are not really a general-obligation bond of the city and are contingent solely on an annual city appropriation, which apparently is only a device to distinguish them from other bonds. In other words, these guys are not denying that COPs represent long-term financial obligations - debt - over which the voters have never given their approval."

But the California Constitution, according to Coupal, "clearly prohibits general-obligation debt without two-thirds voter approval. These guys are claiming that it isn't general-obligation debt but, when you examine these so-called COPs, you'll see that they are marketed as municipal securities in the form of debt, or bonds. The consequences of default are a trashing of the municipality credit ratings. This is frustrating because, if they were absolutely honest, they would have to say to the voters: 'Hey, we need a new courthouse and it's gonna take \$50 million.' Most people would say okay if the need were real. But, instead, voters have no say when it comes to these COPs."

He continues, "**The thing is, COPs are a fiction. They disconnect people from their government because officials are engaging in long-term financial obligations without voter input, even though it is the voters who will be paying for them for years to come, and they're losing money on higher interest rates to boot. What's driving this is an overwhelming desire to avoid political accountability and voter input. Period.**"

Another issue in need of being addressed, the Insight investigation shows, is **accountability for the money once the projects are approved.**

According to McCauley, as auditor of Los Angeles County he does not audit the Van Nuys Courthouse COPs account. Rather, he explains to Insight, the county hires outside accountants. And these independent auditors do not audit each and every account, but rather only a "random sampling" of accounts. The debt amounting to tens of millions of dollars still outstanding on the courthouse apparently is so insignificant that, when first asked about it, McCauley said he didn't know what the LACCC was or what it had to do with the building of the courthouse. "I honestly know nothing about it, so I need to refer you to the courts," he said.

A month into Insight's investigation of the Van Nuys Courthouse, McCauley had become well-enough versed in the matter to forward public documents about the COPs deal. But he warned investigators not to expect to understand the fund "unless you are an accountant." The county auditor advised Insight that "the gruesome details are not required or even what we need."

What is known for sure is that the Van Nuys Courthouse was built without voter approval, costing the taxpayers a minimum of \$50.5 million—and, after making payments for 17 years, \$39 million still is owed and accruing interest. Everything in between apparently is lost in the "gruesome details."

Voters, however, are not only becoming interested in COPs but are beginning to ask questions about some of these unique financing deals. Two years ago in Tulare County, California, a grand jury was formed to look into the financing mechanisms and found that "the money for repayment of certificates of participation comes out of all funds legally available to the county. Therefore, most county departments, agencies, programs and services are affected." The grand jury recommended that a financial advisory committee be set up to review regularly and report publically on the status of the COPs deals. So far that hasn't happened.

Kelly Patricia O'Meara is an investigative reporter for Insight.

<http://www.civicsusa.org/lacounty/copsinsight.html>



## San Diego Protest

This group photo was taken late in the day right before they all marched in front of the Domestic Violence Conference at the San Diego Convention Center. The entire day was peaceful with no problems what-so-ever. We talked to hundreds of interested people and passed out flyers.

As the protester's sign says; **97,000 foster kids just want to go home.** Isn't it about time they get their wish and go home to their parents?



# THIS RICO COMPLAINT WAS FILED WITH THE U. S. JUSTICE DEPARTMENT IN NOVEMBER OF 2001

WE HAVE RECEIVED NO RESPONSE TO DATE

(This complaint is included to increase understanding of the dynamics of the "relationships" that exist in the judicial system.)

## THE PERVERSION OF JUSTICE

### **The State Court system in California has been tainted by the undue influence of County Council and the Board of Supervisors.**

Los Angeles County pays all the judges in the county \$30,000. per year in benefits and perks. The judges receive \$22,400. in cash from the county for health and insurance benefits (no strings attached). The state already provides health and insurance benefits for the judges. The judges are given \$5,520. for "professional development" to cover educational books and conferences (no receipts required). The judges receive two retirement programs from both the county and the state. Nondisclosure of these perks is intrinsic fraud in each and every court case in these counties.

In reaction to the suggestion of having these benefits discontinued, Judge Charles W. "Tim" McCoy commented: "I think it's unlikely they would attempt to take these benefits away from one-third of the judges in the state. I think it would be unlikely and unwise. You can use those two words - unlikely and unwise." Does that sound like a threat to the Los Angeles county taxpayers? What process was used to create these duplicate benefits to the judges? [Exhibit 1 A-B, Steve Berry and Tracy Weber, "Courts: Jurists, who get similar compensation from the state, say it's well-deserved. Others see double-dipping" Los Angeles Times 08-20-00]

In San Bernardino County, the decision was made by the board of supervisors. The San Bernardino County Supervisors decided to pay their judges an extra \$19,500. per year and provide legal representation for the judges.

The County Supervisors in certain counties are deciding to give extra perks and benefits to the judges beyond their salary and benefits from the state. This extra compensation controlled by the Board of Supervisors is creating an atmosphere of undue influence upon the conduct of the judiciary in these counties.

The other important factor creating this atmosphere of undue influence within the courts are the construction of new court facilities. The counties' in the State of California are charged with the responsibility of providing sufficient courthouse facilities within their individual counties. This responsibility is currently being used as a device to influence the administration of justice.

#### GOVERNMENT CODE SECTION

68073. (a) Commencing July 1, 1997, and each year thereafter, no county or city and county shall be responsible to provide funding for "court operations" as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(b) Commencing as of July 1, 1996, and each year thereafter, each county or city and county shall be responsible for providing necessary and suitable facilities for judicial and court support positions created prior to July 1, 1996. In determining whether facilities are necessary and suitable, the reasonable needs of the court and the fiscal condition of the county or city and county shall be taken into consideration.

The county leaders in California and nationwide have associations such as the California Association of Counties. At the association meetings the various leaders of the counties discuss their concerns, needs, problems, and discuss solutions.

What has been the result of these meetings have been new ways to raise money for the county coffers through various schemes. One of the new schemes to get around public scrutiny and the will of the voters is the formation of nonprofit organizations by the counties. The nonprofit organization, even though organized by public agencies, is not subject to the Political Reform Act. These nonprofit organizations are considered private entities with limited personal liability.

The County Supervisors have then appointed specific judges as members of the nonprofit corporation that owns the courthouse. Thereby, making that particular judge a part owner in the courthouse and beholden to the County Supervisors. The County Supervisors and these judges are then motivated to make judicial decisions that will result in the grant payments necessary to pay for these new facilities.

These nonprofit organizations raise substantial amounts of money through a vehicle termed as "certificates of participation". Certificates of Participation do not require a vote of the county taxpayers. Certificates of Participation are considered a leasing technique and are not considered as debt. The funds are raised in increments of \$5,000. sold through a broker to the public at a stated annual interest. By using the color of authority vested in the county, these certificates appear to be offered as public bonds. Thereby, committing intrinsic fraud by misleading the bondholders through disguising the name of the entity.

These Certificates of Participation have been used to finance the building of new courthouses, prisons, schools and business ventures in numerous counties. One such courthouse project had an initial offering of \$115.390 million, however, by the time the debt is paid in full the amount owed was \$251.693 million. This amount owed is debt to the county taxpayers.

This vehicle has become a lucrative tool for both the county and the state courts. One such nonprofit organization, Los Angeles County Courthouse Corporation, has issued six series of certificates of participation and two lease revenue bonds totaling \$540.9 million dollars to finance the building of numerous courthouse facilities throughout Los Angeles County. The County Counsel appointed a judge as a member of the Los Angeles County Courthouse Corporation.

Then the nonprofit leases these public facilities to the taxpayers to the tune of millions of dollars a year. Sacramento County paid rent for public buildings in 1998 in the amount of \$15,623,026, Riverside County rents were \$36,106,354. The San Bernardino County grand jury, upon reviewing these practices, directed the county supervisors not to use this financing vehicle. (See exhibit excerpts from San Bernardino Grand Jury Report)

The Executive Office of the Board of Supervisors, Commission Services, provided office and secretarial services to the corporation. The County Counsel facilitated legal matters involving the issuance of the certificates of participation on behalf of the corporation and the county. The parties benefiting by these arrangements are the county counsel, the county supervisors, the state courts and judges, and the bond brokers. The county taxpayers are left with the indebtedness and were excluded from the decision process.

In San Bernardino County, the County and City Officials have been meeting with various judges for over a year planning the development and renovation of a new courthouse complex. These



meetings have been conducted in private without the public's knowledge in violation of the Brown Act. Because these meetings have been held secretly, we do not know how these new facilities are to be financed. The county financed the building of the West Valley Detention Center and the County Government Center through certificates of participation.

The County Board of Supervisors maintain control over the application and disbursement of state and federal grants. Many of these grants are specifically for providing court services, including legal advice or representation, court evaluators, court monitors, guardians, conservators, etc. The County has cases heard before this court which have a great financial impact on the county. The County Counsel represents the county in civil litigation to include eminent domain, public entity liability and workers compensation, taxation, juvenile cases, guardianship and conservatorship cases, and administrative law proceedings.

#### GOVERNMENT CODE

27640. *In any county a county counsel may be appointed by the board of supervisors.*

27642. *Whenever the board of supervisors appoints a county counsel pursuant to this chapter, he shall discharge all the duties vested by law in the district attorney other than those of a public prosecutor.*

26529. *(a) In counties which that have a county counsel, the county counsel shall discharge all the duties vested in the district attorney by Sections 26520, 26522, 26523, 26524, and 26526. The county counsel shall defend or prosecute all civil actions and proceedings in which the county or any of its officers is concerned or is a party in his or her official capacity. Except where the county provides other counsel, the county counsel shall defend as provided in Part 7 (commencing with Section 995) of Division 3.6 of Title 1 of the Government Code any action or proceeding brought against an officer, employee, or servant of the county.*

A undeniable conflict of interest has developed with the substantial amount of financial benefit that is gained through the court proceedings and the introduction of state and federal grant money. The Counties are receiving substantial grant money based on demand for services in such areas as guardianship, conservatorship, and juvenile law. Since the grant money is based on population need, the County agencies have been motivated toward gaining new customers.

#### GOVERNMENT CODE SECTION 76100-76110

76100. *(a) Except as provided in Article 3 (commencing with Section 76200), for the purpose of assisting any county in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors may establish in the county treasury a Courthouse Construction Fund into which shall be deposited the amounts specified in the resolutions adopted by the board of supervisors in accordance with this chapter. The moneys of the Courthouse Construction Fund shall be payable only for the purposes set forth in subdivision (b) and at the time necessary therefor.*

Individuals who are elderly or disabled are finding themselves targeted by these agencies for guardianship and conservatorship services. The more customers, the more money the county receives to provide these services. This abuse was clearly demonstrated in Riverside County where there were over 400 victims. The guardians and conservators were forcing these individuals and their families into court falsely accusing the families of mismanaging the finances of these elderly or disabled individuals. The guardians and conservators would then gain control of these individuals financial affairs and drain their assets through inflated billings.

Juvenile law includes juvenile offenders and child protective services. The county agencies have been motivated to aggressively target juveniles for crime and "alleged" abused children to receive substantial grant money.

#### GOVERNMENT CODE

27643. *The board of supervisors may by ordinance require that the county counsel shall act as attorney for the public administrator in all estates in which he or she is executor, administrator with the will annexed, or administrator, where he or she has priority for appointment as established by law, including all cases under Section 7660 of the Probate Code. However, in the case of a noncharter county or a charter county where there is no conflict with the county charter, the public administrator may employ private counsel (a) in those estates in which he or she is nominated and would not otherwise have priority, (b) for those estates in which he or she is appointed administrator with the will annexed, or administrator pursuant to Chapter 4 (commencing with Section 8400) of Division 7 of the Probate Code, and (c) in those estates in which he or she is appointed administrator with the will annexed for the reason the executor nominated in the will has refused to serve. In those matters where the county counsel furnishes representation the county counsel shall collect the attorney's fees allowed by law and pay them into the county treasury.*

Probate is another area being abused for the financial gain of the county treasury. There is documented evidence of elderly citizens being killed for their assets. One instance, a concerned relative found the relative was missing, located the body at a mortuary identified only as a John Doe, the body had electrocution marks, the assets had been transferred to the county.

Imminent Domain is another area of law under the control of the county counsel. The county allowed their accountant, Gregory Pentony, to steal millions of dollars of money that was earmarked for imminent domain. Gregory Pentony, was the accountant for the County corporation formed to handle imminent domain proceedings. The District Attorney would not allow Mellisa Pentony, his wife, to testify concerning the matter. Pentony was provided a public defender at taxpayer's expense. (See Exhibit newspaper article)

Administrative law proceedings have increased substantially in the area of code enforcement. With the introduction of new ordinances which allow the county and city to add code enforcement costs and fines to the property tax bill, the county is highly motivated to take code enforcement action and gain title to private property.

When the county is the defendant in a civil matter, the County Counsel defends the interest of the county. The interest of the county is to prevail at all costs. This has resulted in drawn out legal proceedings and aggressive court actions designed to increase the legal fees for the Plaintiff. Numerous judges have been observed making improper rulings in cases where the county is the plaintiff.

The financial benefit to the county concerning the aforementioned areas of law are substantial reaching into the billions of dollars. This financial reality has resulted in an improper relationship and conflict of interest between the county counsel and the local judges.

This is compounded by the County Counsel representing the judges in litigation pending against them. This has created another conflict of interest wherein the county counsel is the advocate for both the judges and the county. Therefore, when county counsel is representing the interests of the county before a judge, the county counsel is actually performing the role of advocate in front of a judge for whom he is an advisor. (See Exhibit Cooley vs. Milstein)

#### GOVERNMENT CODE SECTION

27647. *(a) If requested so to do by the superior court of the county of the county counsel, or by any municipal court in such county, or by any judge thereof, and insofar as such duties are not in conflict with, and do not interfere with, other duties, the county counsel may represent any such court or judge thereof in all matters and questions of law pertaining to any of such judge's duties, including any representation authorized by Section 68111 and representation in all civil actions and*



*proceedings in any court in which with respect to the court's or judge's official capacity, such court or judge is concerned or is a party.*

*(b) This section shall not apply to any of the following:*

- (1) Any criminal proceedings in which a judge is a defendant.*
- (2) Any grand jury proceedings.*
- (3) Any proceeding before the Commission on Judicial Qualifications.*
- (4) Any civil action or proceeding arising out of facts under which the judge was convicted of a criminal offense in a criminal proceeding.*

*27648. If, because of a declared conflict of interest, any judge, who is otherwise entitled to representation pursuant to Section 825, 995, or 27647, is required to retain his own counsel, such judge is entitled to recover from the appropriate public entity such reasonable attorney's fees, costs, and expenses as were necessarily incurred thereby.*

The County receives a financial benefit in the form of state and federal grants for the criminal justice system. The grant money received from the state for the services provided by the District Attorney and Public Defender is deposited in the county's general fund. The County receives grant money for each prisoner, for transporting them to court and for every day that they are incarcerated. The higher the demand for these services results in higher monetary deposits.

In addition, the county has been receiving substantial benefits by reaching monetary settlements in substantial quasi-criminal cases. In San Bernardino County, these monetary settlements have amounted to \$25.7 million in the last year. These cases actually involved the county and several businesses conducting criminal activities wherein the settlement was mutually beneficial. The parties did not desire to have their criminal activities disclosed to the public through trial.

The judges of these various counties have not disclosed their financial interests to the parties involved in judicial proceedings. The judges have financial interests in the courthouses, receive supplemental pay from the county, receive legal representation by the county counsel, and have formed an improper relationship with the county counsel and the board of supervisors. This lack of disclosure to the parties is intrinsic fraud. These are some of the financial perks that the judges can receive by ruling favorably for the county.

The judges have been diverting funds to fake nonprofits such as Family Court Services. Then checks have been drawn on Family Court Services' account which have been payable to cash, jewelry stores and country clubs. These nonprofits were never registered with the state or the IRS. In fact, the nonprofit, Family Court Services, was using Los Angeles County's EIN number. This nonprofit had not properly filed to collect donations with the city. Yet, this nonprofit was splitting the donations with the County Bar Association.

The judges have been influenced through campaign funds and endorsements to their campaigns by public officials such as the District Attorney. In one instance, the city attorney who had an upcoming case pending in front of a particular judge, contributed money to the judge's campaign fund. In another case, the district attorney of a county held fund-raisers and heavily endorsed the candidacy of a particular judge. After the election, this judge would be beholden to the District Attorney for his successful campaign.

We, the citizens, of California request an emergency injunction against the Board of Supervisors, County Counsel and the Superior Courts in the counties who have formed nonprofits for the purpose of building and leasing public buildings, have issued the certificates of participation as the method of financing the building and subsequent leasing of these public facilities to the county taxpayers.

We, the citizens, are of the opinion that these certificates of participation are being utilized as a method to circumvent voter approval of these projects. We are of the opinion that the issuance of these certificates of participation by a private corporation which subsequently indebts the taxpayers to millions of dollars in lease payments and debt, is an abuse of the function for a nonprofit organization. The appointment of judges by the supervisors to membership of these nonprofits has created a financial conflict of interest.

We are of the opinion that this is taxation without representation.

We, the citizens, request that all court cases in these counties be reopened due to the conflict of interest that existed at the time of the court proceedings which were not disclosed to the parties. We believe that these improper activities have tainted every single court case involving the county heard before these judges. That would include criminal (pleaded and convicted cases), dependency, probate, imminent domain, conservatorships, juvenile, and any civil cases in which the county was either a plaintiff or defendant. All cases in appeals court remanded back to state court.

These injustices in the courts have been a pattern and practice in these counties. We want every case to be monitored at the Federal level to insure that each citizen is provided with fair and due process as described in the Constitution of the United States.

These county supervisors and county counsels have knowingly and deceptively conspired to form these nonprofits and issue these certificates of participation without the knowledge and approval of the county taxpayers. We, the citizens, request that these individuals either willingly resign from public office or that impeachment proceedings be initiated.

The taxpayers are united, our cause is right, and we need justice to be served.

The improper activities of the County Supervisors, the County Counsel, the District Attorney have denied the citizens of these counties their right to free speech, to seek redress of grievances with the government, to fair and due process, and to equal enforcement of the law.

The County Supervisors, the County Counsel, and the District Attorney have violated United States Code Title 42 USC 1986 because they knew about these injustices and could have taken action to prevent these constitutional violations. The County Supervisors, the County Counsel and the District Attorney have conspired for illegal power over the citizens a violation of United States Code Title 18 USC 371.

The County Supervisors, the County Counsel, and the District Attorney have violated United States Code Title 18, Section 241, because they have conspired to deny the rights of the citizens. The County Supervisors, the County Counsel and the District Attorney have deprived the citizens of their constitutional rights under color of law in violation United States Code Title 18, Section 242.

The County Supervisors, the County Counsel and the District Attorney have defrauded the United States through the misallocation and misappropriation of Federal Grant money in violation of United States Code Title 18, Chapter 19, Section 371.

The County Supervisors, the County Counsel and the District Attorney have interfered with investigations into these illegal activities in violation of United States Code Title 18, Section 1505.

The County Supervisors, the County Counsel and the District Attorney have retaliated against witnesses and victims in violation of United States Code Title 18, Section 1513.

The County Supervisors, the County Counsel and the District Attorney have laundered monetary instruments through these nonprofit corporation in violation of United States Code Title 18, Section 1956.

The County Supervisors, the County Counsel and the District Attorney have engaged in monetary transactions in property derived from these illegal activities in violation of United States Code Title 18, Section 1957.

That the County Supervisors, the County Counsel and the District Attorney through these illegal activities have formed a racketeer influenced and corrupt organization in violation of United State Code Title 18, Section 1961.

The County Supervisors, the county Counsel and the District Attorney have used income received through these illegal activities in interstate commerce in violation of United States Code Title 18, Section 1962 (a).

**For complete text and to view exhibits, visit:  
<http://www.civicsusa.org/judicialsystem.html>**



**American families are being destroyed  
by the U.S. Government**

## *All for the Almighty Dollar*

(Yes, we have proof! – LOTS of it!)

In 1999 the “Adoptions and Safe Families Act of 1997” (ASFA) allowed U.S. Health and Human Services to start paying out annual bonus incentive payments from federal funds to the states in exchange for adoptions of children from state custody foster homes. This bonus incentive payment has encouraged more outrageous unjustified CPS abductions of young “adoptable” children than ever before. States were given a goal: to double the number of children adopted out of foster care by 2002.

This and other wretched child “welfare” laws have been put together at a federal level since the 1970’s – giving states incentive money from the Federal Social Security Fund for taking away the children of the poor and forcing unwanted “services” on them. There are thousands of non-abused, non-neglected children caught up in this system, traumatized and abused by the U.S. Government – their families being destroyed, their parents devastated. Parents with more money that are caught up in this system are quickly bankrupted by legal defense and child support costs.

Don’t believe what the government’s propaganda artists are telling you about parents abusing and neglecting their children at record numbers these days. It simply isn’t true.



*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. CPS TOOK DANIEL ON DAY SEVEN FROM THE HOSPITAL. MOM WAS NURSING; NURSE SAID SHE WAS GOING TO TAKE DANNY TO WEIGH HIM; CPS TOOK DANNY; FOREVER. CAN SOMEONE HELP US FIND AND RETURN DANNY?*

# New Scandals in L.A. Court

*Published Date November 12, 1999, By Kelly Patricia O'Meara*

**Insight has more details on an alleged slush fund for the L.A. Superior Court Judges Association and the possible extortion of civil litigants by some officers of the court.**

As the old Neil Diamond song has it, "L.A.'s fine, the sun shines most the time and the feeling is laid back." Sunny L.A. is so laid back that alleged corruption within the Superior Court of Los Angeles goes unchecked and nary a thought is given to investigate possible connections of ongoing criminal indictments to schemes and players already exposed (*see "Is Justice for Sale in L.A.?" May 3*).

But Marvin Bryer of La Crescenta, Calif., is anything but laid back. A retired computer analyst, Bryer spent years collecting court and bank documents concerning suspicious financial relationships between attorneys, court professionals and judges of the Superior Court. After Insight exposed the secret "coffee-and-flowers" bank account of the Los Angeles Superior Court Judges Association, or LASCJA, Bryer filed a lawsuit against the Family Court Services Special Fund, one of the names used by the LASCJA.

Bryer contends in his lawsuit that, among other things, the LASCJA was using a "bogus" name to route money to its own bank account gained from minimum continuing legal education, or MCLE, classes and other lawyer-supported ventures associated with the Superior Court. Because the LASCJA illegally was using the County of Los Angeles employer identification number, or EIN, it still is unclear whether the money deposited into the judges' account belonged to the taxpayers of Los Angeles or to the judges — a question Bryer hopes to have answered by his lawsuit.

Bryer's lawsuit also names Alf Schonbach, manager of the Finance, Accounting and Internal Audits Section of the Superior Court, in an attempt to determine why Schonbach's statements to Insight that the funds collected from lawyers for the MCLE classes and deposited into the LASCJA account contradict his previous declarations that they came from "donations."

"I want the truth about the accounts," says Bryer, "and the money illegally collected by the judges' association returned to the taxpayers of the County of Los Angeles."

Bryer thinks he sees an intricate financial connection in ongoing criminal cases he believes may be related to his investigation into the LASCJA and the county personnel who handled the judges' bank accounts.

For instance, Bryer has included in his lawsuit Gregory Pentoney, an auditor in the Los Angeles Superior Court finance office. A subordinate to Schonbach, Pentoney was arrested in August 1998 on multiple counts, including grand theft, receiving and offering a bribe and preparing false documentary evidence. Pentoney, along with Encino attorney Robert Fenton, is accused of participating in stealing more than \$1.4 million from the Los Angeles County by recovering money that the county owed to various municipalities and kept it in condemnation trust accounts.

Condemnation funds are monies deposited into trust accounts that are equal to what is offered by the municipality for property condemned under eminent domain. Pentoney is accused of providing a list of condemnation cases to Fenton, who then submitted requests for disbursements of more than \$5 million from the trust accounts on behalf of various municipalities. Fenton allegedly collected \$1.4 million in finder's fees from the municipalities and kicked back \$463,000 to Pentoney.

At the time Pentoney allegedly was working with Fenton to convert money from the condemnation funds, he also was sparring with Bryer over the LASCJA's bank account. In response to a 1996 lawsuit filed by Bryer, Pentoney claimed in a deposition that while in the finance office he had no knowledge of the Family Court Services Special Fund, which now is known to be one of the names used by the LASCJA for its accounts. Perhaps, but Pentoney's legal representation was provided not by his employer, the County of Los Angeles, but by Robert Traver of Collins, Collins, Muir & Traver in Pasadena — the law firm that represents the judges. Bryer suspects a cover-up.

Today, Pentoney is being sued in a civil action in the Van Nuys Superior Court and criminally charged in Los Angeles Superior Court for his alleged participation in the condemnation trust-fund scheme. Also, as a defendant in the civil lawsuit filed by Bryer concerning checks processed by the finance office for the Family Court Services Special Fund, Pentoney is being represented by Michael Bergfeld — another attorney with Collins, Collins Muir & Traver.

Bergfeld says in court documents that he was hired by the County of Los Angeles to represent Pentoney. "This is weird," says Bryer, "because this guy is being both represented and prosecuted by Los Angeles County. How can this be?" Pentoney's supervisor tells Insight he, too, is receiving similar assistance from the county through Collins, Collins, Muir & Traver. Schonbach also is a defendant in Bryer's lawsuit and is a witness in Pentoney's criminal case.



.Although some see representation of Pentoney and Schonbach by the judges' law firm as a conflict of interest, Superior Court Presiding Judge Victor Chavez doesn't have a problem with it. "If he was working for the judges' association at the time I don't see a problem. I don't see an ethical issue," says Chavez. In fact, Schonbach was working for the judges' association — but he was being paid by the County of Los Angeles.

And when it comes to understanding the status of the Family Court Services Special Fund, even Collins, Collins, Muir & Traver seems to be confused. In a Sept. 14 letter to Bryer, John Collins, a senior name partner at the law firm, says "there is no Family Court Services Special Fund." This may be news to the Bank of America, which accepted checks for deposit from the alleged nonentity into the LASCJA account. Repeated telephone calls to John Collins to clarify the status of the front names allegedly used by the judges to collect money from the attorneys whose cases they heard were not returned.

John Collins is not only the attorney for the LASCJA, he also is vice president of the California State Bar Association and one of the 21 members of the California Judicial Council — a body of judges and attorneys created to bring justice to the courts. It is the Judicial Council that decides which judge will hear a case for disqualification. Because Bryer's lawsuit involves county employees, all of the judges of the superior and municipal courts in Los Angeles County have disqualified themselves and his case now is pending in the Municipal Court of Glendale.

.The interconnectedness of Bryer's and Pentoney's cases came to light during a raid by the Los Angeles district attorney on the finance office of the Los Angeles Superior Court, supposedly to obtain evidence related to the Pentoney case. Not only were numerous boxes of documents seized in Schonbach's finance office and taken into custody, but a secret file that the finance office kept on Bryer was taken as well. In fact, the secret Bryer file is the first seizure listed by the district attorney's office.

Bryer says he believes the records that were removed — and now are unavailable pending the outcome of Pentoney's criminal case — will finally nail down his allegations about the Superior Court judges' bank account. "I believe," he says, "that these records could provide the information that will unravel this case."

Bryer notes that some changes have been made in response to the evidence he uncovered about the judges' alleged \$110,000 slush fund, which now has disappeared according to a recent IRS filing.

For instance, Judge Chavez tells Insight the LASCJA has gone legitimate. "Now we have our own accountant and bookkeeper who keep track of the bank account. I wouldn't be involved in this if it weren't on the up and up.

I'm the person who signs the checks and oversees what monies are spent in the account." Chavez agrees that having county employees handling the bank account was "a problem," but reiterates that he has changed things.

Clearly in control of the "coffee-and-flowers" fund, Chavez was unaware of any effort to pay back taxes that may be due on the \$110,000 which was deposited in the LASCJA bank account when it illegally was using the County of Los Angeles EIN. While it appears that Chavez is getting the alleged slush account in order, Insight has obtained documents about another practice in the County of Los Angeles court system that some regard as extortion.

.According to the documents provided to Insight, plaintiffs and defendants apparently are being required to pay for the lunches of jurors and bailiffs on days they are in deliberations. In one instance a plaintiff, who asked not to be identified for fear of retribution, was advised by counsel that plaintiff "had to pay for lunch for the jury." This case was a civil lawsuit and the jury was not sequestered. According to the plaintiff, "I felt like I was being extorted, but I was unaware of court rules and the law so I complied with the attorney's request."

The plaintiff handed a bailiff a credit card, whereupon he and another bailiff took 12 jurors and two alternates (16 people total) to lunch at the El Sarape Restaurant in Glendale. Lunch for day one of deliberations cost the plaintiff more than \$150, including a \$22 tip.

On day two, the plaintiff thought they got a break: 12 jurors and only one alternate joined the two bailiffs for lunch at the China Inn Restaurant in Glendale. The bill still came in just under \$150, with what appears to be the standard \$22 tip. In both instances — and Insight has the credit slips — the bailiff signed the plaintiff's name. "I don't know, says the plaintiff, "if the judge said something to my attorney or what. I guess I was just naïve."

.Not according to Judge Charles Stoll of the Superior Court of Glendale. "Having lunch paid for by the plaintiffs or defendants happens in most jury cases in Glendale," says Stoll. "It's maintenance of the jury," Stoll continues. "They don't have to pay by credit card; the bailiff will accept a check. It's been going on for years."

Perhaps it has, but is it based in law? According to the judge who assures Insight he has cleaned up the "coffee-and-flowers" fund, there's no way. "It would be wrong," says Chavez, "for any attorney to tell a client that they had to pay for lunch. I'm not aware of it happening. . . . There is nothing in the law that says someone has to pay for lunch for a jury — absolutely nothing." Chavez adds, however, that "sometimes people do want to pay for the jury's lunch, but if they do the jury never knows who paid for it." Just benevolence, you see.

So while the court in Glendale appears to be keeping the jurors and bailiffs fed in a bizarre act of enforced charity, Los Angeles District Attorney Gil Garcetti has run into trouble with the \$13 million he has been withholding from child-support payments under exotic circumstances. Insight's May report on this resulted in a lawsuit filed by Richard Fine in the name of John Silva of Sylmar, Calif., an aggrieved parent who has paid child support since 1984 that records indicate was never forwarded by Garcetti to Silva's children. Fine has just won the right of discovery against the district attorney on his way to forcing disbursement of the huge fund. Although Garcetti tried to get the class-action lawsuit dismissed because, as Fine recalls, "he said he was doing the best he could and therefore we didn't have a right to sue him," the judge ruled in favor of Fine and the case continues to move forward.

"We've learned from discovery that they have 100,000 files that date as far back as 1984 involving more than \$13 million held by Garcetti," says Fine. "We've got to request that the files be matched up — the payer and payee — and then require Garcetti to distribute the money. This is one of the greatest human tragedies I've ever handled. People are knocking on his door asking for money owed to them and he's basically saying forget it. People have lost their homes and gone hungry and he couldn't care less. This is a prime example of bureaucratic laziness. If we changed the structure and paid the employees of his department based on the number of cases that got paid, I guarantee that all \$13 million would get paid out in 30 days."

The California Legislature apparently concurs with these sentiments and recently passed a law, to become effective in 2001, removing the collection of child-support monies from Garcetti and all district attorneys throughout the state. Despite these victories the district attorney still is garnishing Silva's paycheck for alleged child-support arrearages for which Silva has receipts from Garcetti's office. Garcetti's enforcement personnel refuse to acknowledge Silva's proof that he paid the support and continue to seize money from his payroll check against an alleged \$60,000 arrearage.

Silva's monthly payments vary depending on his biweekly income. His take-home pay is approximately \$1,200, of which Garcetti often will leave him with \$200 to care for a family of four. In fact, two weeks after Silva's story ran in Insight, Garcetti took all but one dollar of his \$1,200 paycheck. Silva didn't bother to cash the check and soon will file a lawsuit against Garcetti.

Fine understands what's happening to the man responsible for the class-action lawsuit that is seeking to stop these practices. "This appears," he says, "to be retribution. They continue to mess with John because they're trying to get back at him for filing the suit."

[www.insightmag.com](http://www.insightmag.com)

## Trafficking?



**Marvin Bryer Nov 01, 2003**

In Los Angeles, I discovered a corporation called the Los Angeles County Courthouse Corporation. This corporation funds courthouses using a bond scheme that puts all Californians in debt to repay the bonds they never voted on. I sued the corporation but it includes a judge! My rights have been violated and the problem I see is that there appears to be no remedy on the surface.

Corporations have to be represented by a lawyer. But when the corporation includes a judge, you can imagine the dilemma.

This corporation was protected by the State Attorney General Bill Lockyer.

When a court case is dismissed with prejudice, the plaintiff becomes liable for repaying the court costs and lawyer costs. Bill Lockyer has not submitted his bill to me.

In America we labor under the delusion that everyone is entitled to a fair and speedy trial by a jury of their peers. But under demurrer law, you never get to the level playing field.

How many cases have been fixed?

As far as appeals, these are costly. If you catch a judge in your case, as a director for a corporation, you become a pariah to the court system.

Solution? Break up the good-old-boys clubs.



# HOW DEPENDENCY COURT REALLY WORKS

by Michael Dare

**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.**

## 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>

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 away 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>



## Successful Alternatives to Taking Children from their Parents

### *Nine Ways to Do Child Welfare Right*

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](mailto:cbooth@bsihomebuilders.org).

**Susan Kelly, former director, Families First**  
(734) 483-6671, [susan.Kelly@cssp.org](mailto: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>. 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](mailto: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](mailto: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.



# FOSTER CARE SYSTEM BLASTED

The state isn't providing safe, lasting homes, the U.S. says.

By Mareva Brown — Bee Staff Writer

Published 2:15 a.m. PST Friday, January 24, 2003

California is failing to provide its 97,000 foster children with safe and permanent homes, according to federal regulators who released a report this month documenting the state's failure in all seven areas designed to evaluate children's care.

Among the criticisms: Too many children are being allowed to languish in foster homes instead of being returned home or matched with adoptive parents. Too many are re-victimized by their own parents or foster parents. Too many children fail to have their mental health needs met. Too many families are not provided adequate parenting help and therapy.

The 87-page document, issued by the U.S. Department of Health and Human Services, comes with the threat of an \$18.2 million penalty if the state Department of Social Services does not write and implement a satisfactory plan by 2005. The effort is part of a move by federal regulators to make all states more accountable for meeting the needs of foster children and less focused on evaluating whether procedures were followed.

"In the past, we have focused on process: 'Are you complying with the law?'" said Susan Orr, an associate commissioner for the U.S. Administration on Children, Youth and Families, which is housed within HHS. "But the real way to look at how the child welfare system functions is to see whether you're actually helping children and families."

California officials acknowledge the state has deficiencies and began crafting a required "improvement plan" in March. That plan is due to federal regulators within 90 days and must be approved before new policies can be implemented.

"We don't really have a system that's tightly aligned with where we want to go with the outcomes for children and families," said Sylvia Pizzini, deputy Department of Social Services director.

About two-thirds of the states have been reviewed so far, and none has passed more than two of the seven federal safety and well-being standards. California and New York have

additional difficulties writing reforms because they — unlike most of the states — have deferred child welfare policies to each county to implement individually.

The report requires that California now train social workers similarly in all counties, and that the state ensure that similar services be available everywhere.

"We don't expect that California will be perfect in two years," Orr said. "We set very high standards. The key is to set achievable goals."

Other required changes would be to include parents when writing a case plan to help make children safe, and to lower the rate of further abuse in children with open child welfare cases from 10.7 percent to no more than 6 percent.

Solving these problems is not easy. Two years ago, California officials created a group of "stakeholders" — social workers, policy-makers, foster children and others with insight and interest in the system — to find ways to improve it. While the group has identified many of the same problems named by federal regulators, the problems may be difficult to fix now that the state is facing a massive budget deficit.

Pizzini said one way to lower repeat-offense rates may be to emphasize programs that focus on families in which abuse is likely or has just begun. As an example, she noted Sacramento County's successful home visiting programs send mentors and public health nurses to the homes of new, at-risk mothers to teach them how to care for and nurture their children.

Assemblyman Darrell Steinberg, D-Sacramento, said he is working on three ideas that he hopes to introduce as bills in the coming months. Two years ago, a Steinberg bill required the state to begin focusing on foster care outcomes, in part because the assemblyman realized the federal review was pending. The new bills would be an attempt to help correct specific deficiencies, some of which are noted in the federal report.

One bill would relax current standards to allow foster children to spend the night at a friend's home or have a baby sitter without forcing the

# Hundreds Of LA Foster Children Missing

adults to undergo rigorous screening. The idea would be to give foster children a more “normal” childhood and provide foster parents with more flexibility. The goals would be to reduce foster parent burnout and to keep children from failing in as many foster homes, two areas in which the federal review found fault.

Another bill would increase schools’ responsibilities to foster children by allowing the children to enroll in school even if their transcripts are delayed. The enrollment wait for some children in such cases can be eight weeks or more, Steinberg said.

A third bill would underscore that social workers should look for adoptive homes for children of all ages as well as develop additional ways to find extended family members or community members who might be interested in caring for specific children.

Those bills are designed to reduce the number of older children and adolescents who stay in foster care until they are 18. The federal government has said those delays are unacceptable and that all children need either to be reunified with family members or adopted by new families.

“California laws simply don’t focus that kind of attention on children who are 10 years and older,” Steinberg said. “We want to change the law to make sure these children are not given up on. And to make sure that the system does everything it can to help a child establish relationships with — and relocate in some cases — people who are close to them, and care about them.”

Yet the idea of adoptive homes for all leaves some former foster children ambivalent.

Tiffany Johnson, 26, works with California Youth Connection, a statewide coalition of former foster children that has become a recognized lobbying force in California. She cautioned against assuming adoption is the right solution for all foster children.

“People think all youth want to be adopted,” said Johnson, who was in foster care for eight years. “But the kids don’t necessarily want a mom or dad; they want a consistent person — a mentor — to participate in the key events of their life. The system isn’t set up to deal with individual needs.”

**About the Writer**— The Bee’s Mareva Brown can be reached at (916) 321-1088 or [mbrown@sacbee.com](mailto:mbrown@sacbee.com).

**LOS ANGELES** (AP) - Hundreds of foster children who are part of the county’s child-welfare system cannot be found and officials believe most of them have been abducted by relatives or guardians.

An internal study by the Department of Children and Family Services released Tuesday found the nation’s largest foster care system - with about 50,000 children - was unable to find 488 of them as of Aug. 30.

“This is yet another shocking revelation of a beleaguered child-welfare system that puts children at more risk in the system than if they had remained with their families,” said Linda Wallace Pate, an attorney who represents the family of a child who ran away from foster care and was later found dead.

“This requires an immediate investigation by an independent body that should be open to the public.” County officials believe more than 50 percent of those missing were taken by a relative or parents. The rest are presumed to have run away. The report showed that only 64 children who were first declared missing were recovered or returned voluntarily. At least eight kids were killed or died in accidents after running away or being abducted.

“It’s shocking,” county Supervisor Michael Antonovich said. “We are working together to ensure that every child is accounted for. These eight deaths are examples of how dysfunctional the system is.”

Antonovich said he plans to introduce a motion at next Tuesday’s Board of Supervisors meeting that will attempt to create a Web site where the names and photographs of the missing children can be posted.

Juvenile Court Presiding Judge Michael Nash said posting the children’s names and pictures on the Internet would require a court order to waive confidentiality rules involving foster children. Family Services Interim Director Marjorie Kelly said she wants to step up efforts to find the missing children, despite the heavy caseload social workers already carry. “I think what we need to improve on is a sustained effort to find these children,” Kelly said.

“There is a fairly aggressive search initially. But after a child is missing for a couple of weeks, I think we need to improve on our efforts to find them.” But Amy Pellman, legal director of The Alliance for Children’s Rights, said the large number of children missing countywide indicates that Kelly’s department is not doing their job. “Children are supposed to be safe in foster homes and shielded from abuse they have already suffered,” Pellman said. **“I think these foster children are telling us that foster care is a horrible place to grow up.”**

# Child Abuse on a Grand Scale

By Ray Thomas

*Sunday – November 23, 2003* That's the opinion of Richard Wexler, head of the Virginia-based National Coalition for Child Protection Reform after he read the report published by the Statewide Advocacy Council in Florida (which is, if you can believe this, affiliated with DCF). The report said, among other things, that **about 650 Florida foster children, including some that are not under the care of a pediatrician, have been given mind-altering drugs. Drugs that have not been approved by the Food and Drug Administration for use with small children.**

The state Department of Children & Families naturally disputes the validity of the research. They always do when they're "caught out." They quibble with the findings by saying that "too few children were included in the study's sample." Such studies commonly use small samples of a subject group and that is a recognized, accepted method. **This group studied 1,180 foster children out of 15,000 in state care.**

**More than half – 652 – were on at least one drug. Seventeen of the 652 were preschoolers.**

**DCF says, "We don't think it's a good idea to make generalizations from these numbers." Tell that to the parents of the children who may be permanently damaged by being on these drugs.**

Celeste Putnam, DCF acting deputy secretary for programs, and a longtime medical health administrator, said that the study "included a preponderance of children with serious mental health and behavioral disorders — children already more likely to be prescribed medications." Yeah, right. What she's not saying is that most of these mental problems are caused by "separation anxiety" from being taken from their families and placed with strangers.

The drugs used were developed to fight schizophrenia, major depression and bipolar disorder and can induce serious side effects such as heart problems, growth suppression, psychosis and decreased blood flow to the brain. A common side effect is the development of neurological tics, or shakes. These are powerful drugs to be used on children, especially on children that young, so that foster parents can "keep them calm" so they're not a problem. Let's face it: giving these children such drugs is not for their good, but it is for the good of the foster parent and for the child protectors.

## Chemical Restraint

They commonly use these dangerous drugs as a "chemical restraint" when the find out they know nothing about how

to handle small children that have been forcibly ripped from their parents, whether or not they're guilty of anything. These children are seriously damaged psychologically by this separation, which these "child protectors" use as a "first option" in a large percentage of cases. Furthermore, when charges can't be proved, they always try and keep the children anyway, to be put up for adoption so they can collect the up to \$6,500 "head fees" paid by the federal government for every child that can be permanently removed from their parents and adopted.

## More Government Money

Naturally, Medicaid pays for these drugs and their administration to young children. So the doctors and other professionals who work with DCF make more money. They claim these children are the "worst cases," but we haven't seen the case histories to prove or disprove that — and won't, since they always claim "confidentiality."

## Medicaid Is Concerned

**They are concerned about the large number of children who are being prescribed psychotropic medications without a psychiatric diagnosis" or any other diagnosis that would justify the use of such drugs.**

The Miami Herald said, "In many of the records we reviewed, there was no psychiatric diagnosis, or the diagnosis was so vague that it would be difficult to justify the use of drugs." In about 5% of the cases, there was no diagnosis. Another 12% had the diagnosis listed as "other." Other? What is that? How do they get away with listing a diagnosis as "other" with no other comments? That's like listing a cause of death as "cardiac arrest." We all die of "cardiac arrest," since the term means simply "the heart stopped." The bulk of the children drugged, or 89%, have no records in their file to show they're being medically monitored. Nearly half, or 44%, had not even been evaluated by a medical doctor! Putnam disputed that, saying: "No physician out there will prescribe medication without giving an evaluation or examination to the child." But the evidence is there that they have done just that, and in a majority of the cases.

Andrea Moore, a Coral Springs attorney who helped spark a public outcry when she wrote a letter to DCF administrators alleging that mind-altering drugs are being used as chemical restraints. "There's nothing in this report that allays my concern that the medications are not being properly prescribed and monitored," she said. "Any parent who didn't take their child to a doctor would be questioned for medical neglect." This is a common method with the child protectors. If they want a parent to do



something — anything — that they can't force them to do constitutionally, they simply intimidate them by threatening child abuse charges if they don't "knuckle under."

DCF Department Secretary Jerry Regier said that the department is already addressing concerns raised in the report, according to the Associated Press. "I am committed to ensuring that the children in the department's custody receive the finest care possible, including the prescribed use of psychotropic drugs when they are needed. These medications should not be prescribed unless all other avenues of behavioral health services have been unable to meet the child's needs." But how can this be when the largest percentage of them have either no diagnosis or the diagnosis is nothing more than "other?"

This whole thing reminds me of the time, around 1995, that I learned that Arizona child protectors were using a "medical" procedure called "psychopletismography" on children, some under 12. This "procedure" was done in order to learn the degree of sexual knowledge and awareness the child exhibited, that sexual awareness being used as "evidence" that they have been sexually abused. The fact that this "procedure" was itself child sexual abuse didn't seem to occur to them.

With little girls, they pushed a penis-shaped "sensor" into her vagina and showed her government-created pornography. The "sensor" measured her degree of sexual arousal. With little boys, it wasn't so bad. The "sensor" was a ring placed around the base of the penis. Can anybody deny this is child sex abuse with a straight face? The child protectors did, even though they stopped the practice under pressure when knowledge of it made the newspapers. But I wonder if they resumed it after "the heat was off." I do know they're still using this "procedure" on adults.

So we're pretty sure they're giving small children dangerous drugs, either without a diagnosis or with a diagnosis so vague as to be useless. And they're doing it, for the most part, without the parents' knowledge or consent. They say that when a parent can't be intimidated into cooperating, they get a court order. But with the juvenile courts being little more than "rubber stamps" for what the child protectors want to do, that is as meaningless as a diagnosis of "other."

The important thing is, if it's happening in Florida, it's happening in your area, too. Think about that. Shouldn't you find out if it is, before they come after you? After they do, they can simply say you're a "disgruntled child abuser who is under investigation" and ignore you.

[http://www.sierratimes.com/03/11/23/ray\\_thomas\\_8205.htm](http://www.sierratimes.com/03/11/23/ray_thomas_8205.htm)

## U.S. Department of Health and Human Services

Because of a computer error, the State's Department of Health Services (Health Services) incorrectly paid certain claims for psychological services between August 1997 and December 1998. As a result, Health Services estimates it may have overpaid providers between \$5,200,000 and \$6,300,000. **Although Health Services has been aware of the error for some time, it has not yet identified actual overpayments to providers it should recover or the amount that it should refund to the federal government.** According to Health Services, it has corrected the error, so no additional provider overpayments should occur. In addition, Health Services' Investigations Branch (Investigations) does not have an adequate tracking system to ensure it properly refers all potentially fraudulent activities to the State's Department of Justice (Justice). Specifically, Investigations stated that it referred 23 fraud cases to Justice during fiscal year 1997-98 but it cannot confirm this. Additionally, Justice did not find 16 of those cases in its statewide fraud tracking system. As a result, Health Services cannot ensure that potentially fraudulent activity is properly investigated for prosecution or recovery of state and federal medical assistance funds.

### Character Assassination



# Children committing suicide at younger age

By Troy Anderson  
Staff Writer

Article Published: Saturday, December 27, 2003 - 7:18:34 PM PST

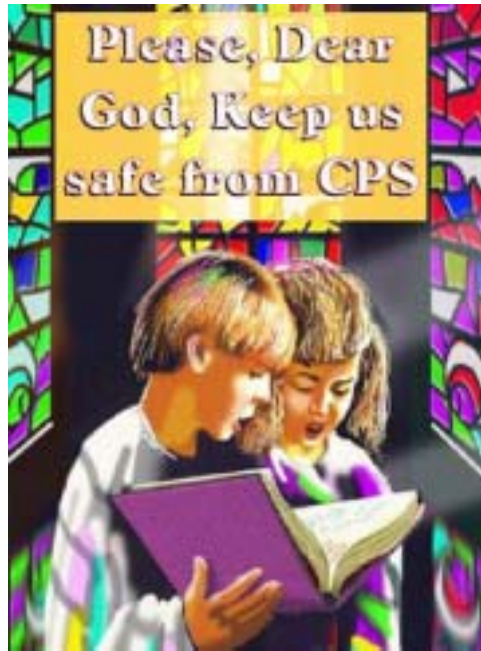
An analysis of 2,148 child deaths in Los Angeles County from 1991 to 2001 revealed that the number of homicides has dropped to historic lows, but the age of children committing suicide has also dropped to an all-time low of 9 years old.

The number of homicides in 2000 and 2001 — 35 each year — was the lowest since ICAN began tracking the deaths in 1989. In 1991, the number of homicides hit a high of 61. In 2001, a record of five foster children were homicide victims.

Of the deaths referred to the county's child death review team by the coroner from 1991-2001, a total of 497 children were killed by parents, relatives and foster parents in the county, including 158, or 32 percent, that the child protective system had open or closed cases on.

From 1991-2001, 280 children in the county committed suicide, including 68 whose families had open or closed cases with the DCFS.

In that time period, 324 children died from undetermined causes, including 63 with open or closed cases with the county Department of Children and Family Services. Officials suspect that many of these cases were homicides.



The analysis of child deaths was performed for the Daily News by the county's Inter-Agency Council on Child Abuse and Neglect in El Monte. The deaths included homicides at the hands of parents or caregivers, drownings and suicides for children 17 and under and accidents and undetermined deaths for children 14 and under. DCFS officials said many of the children who died came into the system with very serious health problems that led to their deaths, including severe asthma, mental retardation and physical deformities, AIDS and cerebral palsy.

In 2001, there was a substantial increase in the number of suicides committed by those under age 13, including five victims under 13. One, 9-year-old Kerry Brooks, hanged himself with a shoelace from the closet door at his Compton foster home, becoming the youngest child suicide in county history.

From 1991-2001, 1,047 children died in the county from accidental deaths. Of these, 215 had open or closed cases with the DCFS. For the third year in a row, the leading cause was auto-pedestrian accidents in 2001, including children backed over in driveways, hit by vehicles while walking, riding bicycles or riding scooters.

About 1,500 children die each year in the county, mostly involving the deaths of premature babies. Of those, the coroner investigates the deaths of about 800 children a year. ICAN reviews 350 to 400 of those deaths and performs a comprehensive review on about 100 of them. ICAN executive director Deanne Tilton Durfee said the large number of deaths in the county is a very sad and tragic reality.

Nationally, between 1,100 and 2,000 children die each year as a result of child abuse and neglect. Of the 1,236 deaths in 2000, 85 percent of the children were under age 6. In most cases, children die at the hands of their parents, according to a report by the New York City-based Children's Rights.

In 1.2 percent of cases, the perpetrator was a foster parent, in 4.1 percent a day care provider and in 3.5 percent a relative.

In 9 percent of the 1,225 deaths in 2001, the children's families had received family preservation services in the five-year period prior to the child's death. Less than 1 percent of the child fatality victims had been returned from foster care to their families prior to their deaths.

"The only good news is that homicides by parents and caretakers is the lowest it's been since we started collecting data," she said.

<http://www.dailynews.com/Stories/0,1413,200%257E20954%257E1856513,00.html>

# Foster Care Stretched Beyond Limits

## ABC NEWS Finds Vulnerable Children Neglected — and Even Left to Die

By Cynthia McFadden

July 2 — Sally Schofield, the foster mother of Logan Marr, was found guilty June 25 of wrapping the 5-year-old's body with 42 feet of duct tape during a "timeout," causing the little girl to suffocate.

Schofield could face up to 40 years in prison for the child's death.

"The child-welfare system failed Logan Marr in every possible way," said Richard Wexler, the executive director of the National Coalition for Child Protection Reform. "They failed her ... by ... ignoring her cries of abuse and they failed her by letting her die in that foster home."

Six weeks before she was killed, Logan was on a visit to her birth mother when, in the presence of a child-welfare worker hired to supervise the visit, she complained that her foster mother was hurting her. "She did this to me and I cried 'cause it hurts me," the child is heard saying on a videotape, although she isn't seen.

Despite this information, there was no immediate investigation and Logan's child-welfare worker failed to make a required quarterly visit to the foster home.

"In Maine, they don't even try to visit children more than once every three months," Wexler told ABCNEWS. "And they weren't even doing that until the scandal surrounding the Logan Marr case."

Across the country, child-welfare workers tell ABCNEWS they are overwhelmed. Some say they have too many cases, others complain of inadequate training, and they all say they are underpaid. The annual turnover rate of workers is as high as 70 percent in some areas.

### Foster Children Often Face Frequent Moves

ABCNEWS' Law & Justice Unit spoke to one foster mother in Mississippi who expressed her frustration with the foster-care system. Two baby boys who had been abused were brought to her home when they were only a few months old. One had 18 broken bones, and the other had 22 broken bones, she said.

The foster mother, who asked not to be identified, told ABCNEWS that for the first 18 months, she had to deal with 22 different child welfare workers and that, in the course of three years, she only saw child-welfare workers five times. She also adopted a boy who is now a teenager. Before he came to live with her, he bounced around in foster care, living in 32 foster homes over a five-year period.

Debbie, now 15, was 5 years old when she was removed from her parents' home because of her mother's substance-abuse problem. Debbie and her sister and brothers were all taken from their mother's home, but Debbie was separated from her siblings by New Jersey's Department of Youth and Family Services. She recalls being in 11 or 12 foster homes over five years.

"They would take me out and not tell me where I was going. I would get back from school, my bags were

packed, I didn't have the time to say goodbye to anyone," said Debbie. "You have to build up a wall so you don't get close."

In one of the foster home, she was sexually abused. "I felt like nothing," she recalled. "I wanted to be with my real brothers and sister again."

For seven years, the government agency was unable to reunite the siblings or arrange for regular visits. Debbie's story does have a happy ending, unlike that of so many other foster children. She was adopted in 1997 and is grateful she has parents to love and who love her and a place to call home.

### Lawsuits Aim to Get Foster Care Supervision

Lawsuits have been filed in Washington, D.C., and nine states — Connecticut, Florida, Kansas, Missouri, Wisconsin, New Jersey, New Mexico, Tennessee and Georgia — asking judges to supervise entire foster-care agencies.

"Most of the caseworkers in this country are inadequately trained, do not have the educational background to do the job, and have caseloads too high for any human being to handle, no matter how well-trained they are," said Marcia Lowry, the director of Children's Rights Inc., a nonprofit organization that represents children in all of these lawsuits.

"There are some caseworkers out there who are doing absolutely heroic work, who are really doing the best they can," she added. "But they are being put in circumstances that are impossible, and they are not getting support."

Michael Ward, a Mississippi judge who has presided over foster-care cases for 23 years, says there's a crisis in his jurisdiction. "I would suspect that probably as many as half of the abuse and neglect cases are not being investigated at all," he said.

### Caseworkers Overloaded

Even though her agency advised her not to, Julia Wasvick, a child-welfare worker in Mississippi, told ABCNEWS: "How could any caseworker with a caseload of 70 to 100 manage to go out and see the children? I mean, that's impossible."

Janet Atkins, who has been working as a social worker for child-protection agencies in California since 1986 and who speaks as a union member, says caseloads are so high that social workers have to make hard choices: either give priority to seeing the families and children under their watch, or do the paperwork.

In California, caseworkers assigned to certain tasks have to monitor at least 54 cases at a time. "There's no way you can see 54 children once a month and still do the rest," said Atkins.

*ABCNEWS' Legal Unit, including Eric Avram, Deborah Katz and Sylvie Rottman, worked on this investigation.*



# Living with a Broken Heart



**Mr. Lincoln's hope of maintaining government of, by and for the people has been dashed. We now have government in spite of the people.**

"We the people" is still the most powerful organizing principle any nation has ever had. Sadly, we have moved from "we the people" to "us the government," which thinks of itself as the source and dispenser of power.

Fifth Amendment, provides that no person "be deprived of life, liberty, or property, without "due process of law." Fourteenth Amendment prohibits state governments from en-coaching on the individual's rights without due process of law. Due process protects you from having your basic rights violated by government officials at any level - federal, state, or local.

I first would like to ask why would a family spend their life savings of \$50,000, write letters to anyone they can think of, protest CPS, slander the doctor's name and devote all their spare time fighting CPS if this family was guilty?

It crosses my mind often, our American hero's are in Iraq fighting for the people to have justice and freedom in their country once again. However I pray for the day someone will dare be our hero, go up against the other type of "bully" the one's with a "title and power" that can actually get away with inflicting unbearable pain, cruelty, sadness, violate people's right's, make up fictitious scenarios, cover up and get their way. We and many other families live in despair, frustration, disbelieve, helplessness with no help. I ask where are our hero's fighting for our justice? Who will stand up against those "bully's?"

Up until four years ago I believed that Placer County Child Protective Service (CPS) was an invaluable asset to our county and society. I felt that CPS was an honest and caring advocate for abused children. I thought the abused (physical, sexual, emotional) children of our society had someone who cared about not only them but also the whole family. A miracle-working agency that would be able to determine a valid child abuse case and to realize that removing a child from his/her home is an extremely traumatizing experience and the decision to do so should never be made lightly. I thought the child's emotional needs and feelings of abandonment were attended to and their primary concern was for the child's safety and disrupting the child's life as little as possible. I believed that everyone would put all gains (including financial) and losses aside because nothing mattered compared to the true best interest of the child. I had perceived CPS as a resource for family unity and thought CPS realized the importance of maintaining that unity. The absolute main goal of CPS I believed was to teach unsuitable parents how to become adequate parents and role models for their children.

Unfortunately, Placer County CPS does not, in my experience posses these qualities and has not worked in the best interest of the child in our family. The system has failed us by taking an innocent victim, our grandchild / grandniece!! CPS was not acting in the child's best interest when it made irrational decisions concerning the placement of our child.

They were not willing to listen to any explanation from the parent(s).The parent(s) were immediately considered guilty with no investigation on the part of CPS and CPS refuses to inspect documentation that proves parental innocence. If the parent(s) refused to sign their release papers, CPS threatens you stating, "If you do not sign them you will never see your child again".

If CPS's main concerns were what is in the child's best interest and to unify the family, why does CPS knowingly submit fraudulent and misstated reports, lie, falsify tests, make false accusations against the parent(s), and write them down in CPS reports? If CPS were rightfully removing children from unfit homes, why does CPS have to question the children or forcefully threaten the parents to do what they say? If CPS were right, they would not need further "evidence." CPS's only concern is to get what it wants, "The child".

Due to the immunity law that govern CPS, the agency is protected from having to answer for it's "comedy of errors". This immunity law leaves the door open to allow and even promote the injustice that has occurred in this case. CPS is it's own bureaucracy; CPS is the judge and the jury in the juvenile courts. As long as the court is closed to the public CPS will continue abusing their power.

If you are reading or listening to these words you are probably thinking the truth will prevail and Child Protective Service will return our child without further conviction; think again! I have not altered my story to try to prove this family's innocence rather I am stating the facts that have been ignored in this case.

On May 5, 1999 Placer County Child Protective Service wrongfully removed my 3 year old great niece from a loving and caring home due to a fraudulent medical abuse report submitted by the treating physician. The past four years CPS has ignored all our evidence and numerous request that Child Ashlie be placed with a family member. The grandmother, great grandmother and I (great aunt) have submitted over a hundred letters to Placer County Child Protective Service, CPS Complaint Department, Director of Health and Human Services, Adoption Agency, Board of Supervisors, County Counsel, Barbara Eaton (CSOB), John Walsh, Montel Williams, 60 minutes and numerous others requesting that the child be placed with one of these family members or asking for help.

CPS has declared in statements to the court that they have done a complete Child Placement Assessment on these family members and felt we were unfit and incapable of caring for this child. The fact is Placer County CPS has never done an assessment on any of the above stated family members nor has CPS ever submitted an assessment to the courts. CPS has never even spoken to any of these family members. Declaring that they have done so is perjury and is a violation of the law. Because we have stood up to CPS and at times have challenged them they chose to exercise their authority, at the expense of this 3-year old little girl (at the time) soon to be eight. Due to the misstated reports, fraudulent documents, inadequate research and failure to comply with state ordered codes and mandates as of December 14, 2001 the mother's rights were involuntary terminated leaving this child to be adopted Can one imagine seeing this child's picture on an adoption web site (S.M.A.R.T.) with the words reading "this child is legally free for adoption".

**Child Ashlie was taken by false accusations with no investigation or evidence supporting the doctors complaint. Violation of Ashlie's and her family's constitutional right, guaranteed by the 14th Amendment of "due process of law".**

Our hearts ache with sadness and the tears are never ending thinking of what CPS has put this child through, all because of one doctors ego and negligence. **This child was stolen from her home and has been deprived from the love of her family in her most important years of growing up. Not only has Ashlie been deprived, so has my family and I. The happiness and laughter that we once had is no longer there. This family wants her back and we will never stop fighting for her, we love her very much and miss her deeply. My family and I can not get on with our lives until this child is home where she belongs.**

This family's sorry story reeks of abuse of "due process" by government authorities with cruelty which matches that of Hitler. I pray you hear this family's cry for help from the wilderness you may be saving the life of a child and the sanity of her family, we are ready, willing and able to provide ample evidence of proof that the foregoing summary is true and correct. Please remember that every child wrongfully removed from their families will soon be adults in our society. The emotional devastation our children encounter will be with them for the rest of their lives and ours. These children are our future; America's future. Is this any way to treat America's children?

"THE ONLY CHILDREN THAT LOSE ARE THE ONES WE DON'T FIGHT FOR"

Sincerely,

***Debra L Zellerino***

Debra L Zellerino (great-aunt)  
(916) 783-4425 ~ (916) 660-0717

# Audit finds foster program is mismanaging millions

By Troy Anderson  
Staff Writer

**Monday, September 22, 2003** - A Los Angeles County program designed to help foster children get on their feet when they turn 18 leaves millions of dollars unspent for considerable periods of time and delays payments for children's college expenses, a new audit has found.

The audit also found the Department of Children and Family Services' Independent Living Program, which has an \$18 million annual budget, delayed the distribution of laptop computers and gift certificates intended for school supplies and is beset with inefficiencies and poor staff productivity. The audit, released last week, examined services given to more than 20,000 foster children ages 14 to 21 — who either have left foster care or are expected to be emancipated in the next several years.

Within two to four years after leaving the system, 46 percent had not completed high school, 51 percent were unemployed, 40 percent had been on welfare or in jail and 25 percent had been homeless, the audit said.

The audit follows a Daily News story in 2000 that revealed that the DCFS had decided to give 1,000 children leaving foster care laptop computers and printers valued at \$2.4 million.

The audit found the purchase of 1,000 laptop computers and 800 printers in June 2001 was not based on a formal projection of estimated need. It took until July 2002 to distribute about 80 percent of the printers and all of the computers.

In 2001, the Independent Living Program also purchased \$500,000 worth of Office Depot gift certificates for school supplies, but as of August 2002, had not distributed any of them. "(This is) an indication that the gift certificates were purchased more to ensure funds were spent, rather than to meet expected youth need," auditors wrote.

DCFS officials said they have taken a number of steps to correct problems identified in the audit. These include better monitoring of the program's budget to ensure funds are spent to help children and are based on their anticipated needs, and plans to fill an assistant division chief position to oversee the program.

DCFS spokeswoman Louise Grasmehr said the department is setting up a committee to oversee improvements in emancipation services. She said the department is also establishing 16 resource centers throughout the county to provide help in emancipating foster children and has posted a Web site on the Internet at [www.ilponline.org](http://www.ilponline.org) to give children further information on what to do to get help. "Finding housing is our No. 1 priority for emancipated youth," Grasmehr said.

Troy Anderson, (213) 974-8985 [troy.anderson@dailynews.com](mailto:troy.anderson@dailynews.com)



# Study: Kids rushed into foster system

By Troy Anderson  
Staff Writer

**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 help 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.

Troy Anderson, (213) 974-8985 [troy.anderson@dailynews.com](mailto:troy.anderson@dailynews.com)

# My Letter to Governor Holden of Missouri regarding Cheryl Barnes

*My letter to Governor Holden of Missouri. I am sick of watching these thugs tear into this family every chance they get.*

Honorable Governor Robert Holden,

Cheryl Barnes, Branson, Missouri family advocate and activist was arrested Tuesday, December 16, 2003, after refusing to allow police to enter her home without a search warrant. Her two oldest children videotaped the attempted unwarranted entry. She was originally charged with child endangerment allegedly as the result of an anonymous call to the child abuse hotline. Those charges were dropped. Next she was charged with interfering with government administration and held on a \$10,000 bond. The police then confiscated her computer containing all of her CPS Watch files, her video camera and tapes, including the tapes made of the attempted unwarranted entry into her home.

Ms Barnes is the director of CPS Watch, a government watchdog organization that is critical of arbitrary child removals by child protective services nationwide. She is the mother of 10 sons. One of her own children was brutalized as an infant in foster care leaving him permanently disabled after Ms. Barnes refused to apply for a state medicaid card at the hospital. When she finally freed her son from foster care she began networking in child protection reform and created CPS Watch, one of the first family advocate and family support group websites in the nation.

Ms. Barnes is not a child batterer, and yet she continues to be harassed by child protection and the police. She is not a threat to her children, and yet she continues to be harassed by child protection and the police. It's time that the good people of Missouri and America stand up for this courageous lady and applaud and support her actions. She is fighting for children, family, civil rights, constitutional rights, the things that we as Americans hold dear to our hearts. Instead of trying to destroy this family, let's work to respect the integrity of this family. In fact, let's work to respect all of our innocent mothers, fathers and children instead of separating them, humiliating them, punishing them, traumatizing them and destroying their lives.

Please contact the Branson Missouri Department of Children and Families and the Branson Police Department and make them stop using and abusing this family.

Respectfully,

**J. Holderbaum**

J. Holderbaum

[www.childprotectionreform.com](http://www.childprotectionreform.com)

[constit@mail.state.mo.us](mailto:constit@mail.state.mo.us), [mogov@mail.state.mo.us](mailto:mogov@mail.state.mo.us)

# Cheryl Dunlap on Cheryl Barnes

*Thursday, December 18, 2003*

For years thousands of parents have been coming together as a result of searching desperately for help after the unforeseen attack by bureaucrats ripping their families apart, often resulting in the removal of children. The thousands of us who are fighting this unconstitutional, omnipotent system cannot all be wrong. One by one, states are beginning to assemble investigative entities to look into the corrupt activities by CPS agents, as exposure to the public slowly comes into being.

For example, my children were taken because a cousin who lives 300 miles from me called my local CPS and said that I was going to kill myself and two baby daughters. This was 100% untrue, but nevertheless the babies are gone. See how easy it is to ruin a family?

The persecution of Cheryl Barnes is absurd and, based on her record of fighting the system and being closely scrutinized, is not credible, without validity, probable cause or any other resemblance of actions resulting from any evidence whatsoever.

Many of us wonder why so many so-called Americans relish participating in the erosion of the rights Americans are born with that made this country the greatest in history. We are on a slick, steep slippery slope of becoming a police state, and every person who stands by and takes part in or just watches this is guilty of treason and responsible for the demise of this Republic.

Cheryl Barnes has an impeccable record of being a loving, nurturing mother as well as is familiar with the laws, which tyrants despise most in their victims. Thank you Mr. & Ms. Elected Official. The price good American parents are paying and persecution they are enduring in this country is nothing short of an American Holocaust.

If you think that thousands of people are not noticing and following these countless numbers of violation of color of law cases, you are quite mistaken. We are here. We are organizing, and we don't plan to hand our liberty over to you on a silver platter.

Give me liberty or give me death — Patrick Henry, March 23, 1775

The only thing necessary for the triumph of evil is for good men to do nothing.  
Edmund Burke (1729–1797), Irish philosopher, statesman.

These are the words of patriotic Americans. Do you recall the Bill of Rights written by James Madison?

WE DO

## Cheryl Dunlap

Cheryl Dunlap



# Grand jury blasts children's shelter

## REPORT SAYS SETTING PROMOTES ABUSE; FINDINGS ARE SIMILAR TO MERCURY NEWS

By Karen de Sá  
Mercury News

Posted on Fri, Jun. 20, 2003

**A scathing grand jury report on Santa Clara County's children's shelter finds that its practice of grouping abused and neglected children together appears to be "the most detrimental alternative."**

The findings mirror a Mercury News investigation this month that revealed daily incidents of violence and self-abuse in the 132-bed shelter. Suicide attempts, sexual abuse and attacks on staff members and other children are common in the shelter, designed as a haven for kids who have been removed from abusive parents.

The shelter model, which houses emotionally disturbed children in a large group setting, promotes self-destructive behavior and "the opportunity for the abused to become an abuser," says the report released Thursday by a Santa Clara County civil grand jury. **Not only has the shelter failed to provide a safe, nurturing environment, but its costs are exorbitant, the report says. The county pays more than \$19,000 a month for each child to stay there — almost 24 times the cost of foster care.**

The grand jury calls for a task force to research safer, less costly ways to care for these children.

Directors at Santa Clara County's Social Services Agency said Thursday that the issues raised in the report were not new and that the agency is working hard to reduce the population and length of time children stay at the shelter. Last month, 120 children passed through its doors — almost half the number of kids last year during the same period. Some children stay just a day or two, others for months.

"The incidents mentioned in the reports are things that have caused us concern," said Greta Helm, director of governmental relations and planning. Helm said the agency will prepare a response to the board of supervisors, and continue to focus on programs that offer alternatives to shelter care and increase the number of foster homes.

But the grand jury report raises more questions about the future of the \$14 million facility that Santa Clara County opened in 1995 on Union Avenue in San Jose, touting it as a model institution. The shelter is the first stop for children removed from abusive homes by social workers or police officers. Visits are supposed to be short-term, while children in crisis await placements in foster homes or with relatives.

"The law states that children should be assigned to the placement that is the least detrimental, whereas congregate care, as evidenced by the shelter's incident report record, appears to be the most detrimental alternative," the grand jury concluded. "In too many cases, the shelter cannot provide either the safety or the protection that these children need."

### Other shelters closed

While the report concentrated on Santa Clara County, similar problems are found at the seven children's shelters left in the state. Los Angeles County shut the largest shelter in the state in March, and Orange County's shelter may soon follow.

A former resident of the Santa Clara County shelter said anything short of closing the facility is not enough.

"Removing somebody from a bad environment and putting them into another bad environment is not helping, it's reinforcing the message that the kids did something wrong, that there's still no protection," said a local 25-year-old tech worker who spent her teenage years in and out of shelter care. She did not want her name used for fear of being stigmatized.

"The shelter didn't make my situation any better, in fact it made things worse," she said. "I had exposure to things that I wouldn't necessarily ever have been exposed to — prostitution, drugs, all kinds of funky stuff."

The first of the civil grand jury's 2002-03 reports was prompted by complaints that pimps were preying on girls at the shelter through internal recruits. After seven months of investigation and a review of 622 incident reports between August 2002 and February 2003, the jurors found that "an enormous amount of money is being expended with questionable outcome."

County officials say the facility is needed for children who have no place to go. They sleep in one of six cottages on a bucolic campus, with wholesome meals, playgrounds and round-the-clock medical and mental health care.

But the grand jury reports that many children stay too long, come back repeatedly and run away frequently from a facility that by law cannot be locked.

And the stay — however brief — can lead to irreparable harm, according to the report.

### **Child-on-child abuse**

“Older children in the shelter can influence or abuse younger ones who have been put in the shelter for their protection,” the report states. “The daily contact that these children have with one another often results in children abusing each other, harming themselves and running away. There is evidence of child-on-child physical and sexual abuse.”

The report also states that the county has settled lawsuits filed on behalf of children who were abused while living at the shelter, based on information from the district attorney’s office and the juvenile court. County officials confirmed that a 1998 case of sexual conduct involving two children resulted in a \$35,000 settlement.

Civil grand jury recommendations are not binding and hold no enforcement power. But the shelter is being closely watched after a Mercury News investigation analyzed six months of incident reports documenting self-harm, attacks and disruptive behavior at the shelter in 2002, and a 2001 audit advised county supervisors that children might be safer in their homes.

“Kids at the shelter abuse other kids at the shelter, verbally, sexually and physically and they also abuse shelter staff,” said Deputy District Attorney Kurt Kumli, who is head of the juvenile division.

Kumli said his office is concerned about victims being victimized at home and then again at the shelter, but he also recognizes the difficult circumstances of the abused who become abusers.

Destructive behavior and running away also are persistent problems at the shelter that no one can quite resolve, the grand jury reports.

“A 13-year-old running away with an 18-year-old, that’s scary and there nothing you can do about it. Everyone’s just grouped in one lump,” said Sandra Perez, a San Jose resident who worked at the shelter from June of 2002 until January of this year. “It’s just hard when there are kids acting out, because there’s only so much you can do to protect the other kids around them.”

Grand jury foreman Fred de Funiak said the task force should examine the shelter in relation to other models of care that are proven to be effective. The group would include local, state and national experts in child welfare and development, as well as representatives from the juvenile court. He said he hopes greater attention will be paid to the children who are too often forgotten.

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### **Advocates for Children and Families**

*A self-help organization comprised of members concerned with the practices of the California Dependency and Family Court systems and the actions of the California Department of Social Services in protecting Children and Families.*

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# Caretakers Routinely Drug Foster Children; State: Psychiatric medication could do irreparable harm, experts say. Often, consent is lacking

TRACY WEBER. *The Los Angeles Times*

May 17, 1998

Children under state protection in California group and foster homes are being drugged with potent, dangerous psychiatric medications, at times just to keep them obedient and docile for their overburdened caretakers.

A review of hundreds of confidential court files and prescription records, observations at group homes as well as interviews with judges, attorneys, child welfare workers and doctors across the state, revealed that youngsters are being drugged in combinations and dosages that experts in psychiatric medication say are risky—and can cause irreversible harm.

In part because of a lack of oversight, officials responsible for the children's welfare say they don't know how many of the state's 100,000 foster children are being given mood-altering medications, many of which have never been tested for use on children.

In Los Angeles County—which has nearly half the state's foster children—dependency court judges last year approved requests to medicate about 4,500 kids. That doesn't include those drugged with parental consent or those drugged with no consent at all, which experts believe is a significant problem. In addition, a county grand jury found in 1997 that nearly half the group home children it examined were drugged without court or parental consent.

Experts from around the state said widespread drugging, both with and without legal approval, occurs in other California counties as well.

"We sometimes don't know who put kids on drugs and why," said Nathan Nishimoto, an Orange County Department of Children and Family Services official who, until recently, was in charge of tracking children in the county's care.

There's the 5-year-old boy in a Tustin group home who was not only being given an antipsychotic, but massive doses of Ritalin and clonidine—though researchers from UCI and UCLA have published articles reporting that that combination has caused sudden death and heart problems in some children.



There's the 8-year-old foster child in San Francisco County on Cylert for his hyperactivity, despite warnings from the drug's manufacturer that its use can lead to liver failure and death in children. The boy did not receive the requisite blood checks to monitor the drug in his system.

At the Orangewood Children's Home in Orange County, kids as young as 3 skip up to the drug cart several times a day, to take the "meds" that control their "depression" and "rage." To say nothing of the scores of

California teenagers prescribed pills to battle manias and psychoses with little explanation of why or by whom.

Many psychiatrists vigorously defend the use of psychotropic medications on children in foster homes and group homes, arguing that the benefits of using them on these often troubled youths outweigh future risks of harm. "Your hand gets forced when these children are so disruptive," said professor Stephen M. Stahl, who teaches psychopharmacology at UC San Diego. "How sick would they be if you didn't give them drugs?" he asked.

Dr. James Hogrebe, who works with grade-school-age children at an Anaheim group home, said, "Most {of these medications} can be used safely, if they're monitored correctly."

But the lack of proper monitoring is precisely part of the problem, say numerous officials involved in the child welfare system.

## Prescription Records Scant or Nonexistent

Many child psychiatrists, attorneys and children's advocates say the apparently widespread practice of drugging amounts to a form of medical experimentation on some of the state's most vulnerable kids—those taken from parents who abused them.

In many instances, the doctors who prescribe what their colleagues call "chemical straitjackets" aren't psychiatrists and have little training in the highly specialized field of psychiatric medications.

According to group home directors and child care workers, some of these doctors and psychiatrists examine a child

for minutes before prescribing powerful, behavior-altering medications. And some come after dark, when children are asleep, look at files and write prescriptions.

These revelations come at a time when many experts have expressed serious reservations about the rising number of kids in the general population who are being prescribed adult medications.

An estimated 800,000 children and adolescents nationwide last year were prescribed antidepressants such as Prozac, Paxil and Zoloft, according to IMS America, an industry research firm that surveys physicians. Another half a million children, aged 6 to 12, were prescribed Tegretol and Depakote, two adult antiepileptic, antiseizure drugs, the firm's data shows. And in 1996 some 3.25 million in that age group were prescribed drugs such as Ritalin to control hyperactivity, IMS America says. Controversy or no, such drug use by kids in the general population is at least monitored by parents and physicians.

But psychiatrists in several California counties say sometimes the only way they know what drugs a child in a foster home or group home has been taking is if the child can remember such obscure names as Desyrel (an antidepressant), Mellaril (antipsychotic), Tegretol (antiepileptic) or Catapres (antihyperactivity).

One Orange County teenager filled a notebook page with the cornucopia of drugs she'd been given; few of the drugs had been logged in her official files.

An 8-year-old state law requires that foster children's medical histories be recorded in "medical passports" and follow them from home to home. But this requirement is routinely ignored as too burdensome, officials say, and children's medical records are often incomplete. For most kids, every time they move, their care passes to different physicians and psychiatrists.

"When I get a new kid, I have no idea what {medications} he's been on," said Dr. Kenneth Steinhoff, UC Irvine's chief of child psychiatry, who also sees children in a group home. "I don't know who the {child's previous} doctors are. You get practically nothing. It's a crime."

In San Bernardino County, Jeff Broyde, head of the public defender unit representing children, said it's difficult for his office to monitor whether a child is getting proper treatment; each attorney in his office represents some 1,200 children who sometimes are housed hundreds of miles away.

There's no way we can run out there and see . . . if the child is OK," he said. "The important thing {is} seeing the child. If you see a child looking like a zombie, it's wrong, even if it's medically permitted."

In numerous interviews across the state, one official after another—from individual foster parents to judges to

doctors—described occasions where children seemed to be misdiagnosed, given the wrong medication or given too much medication.

\* In Los Angeles County, judges who oversee the cases of foster children have become so concerned by the widespread disbursement of drugs that in April they imposed a system designed to ensure that a child had been thoroughly examined and that other options had been tried before psychiatric drugs were prescribed. Each psychiatric diagnosis and prescription must be reviewed by county psychiatrists before court approval.

"We all have enormous fears that our decisions, one way or another, are going to cause serious harm to these children," said Terry Friedman, presiding judge of the L.A. County dependency courts. "This, more than any other decision as a judge, causes me enormous anxiety."

### **Drugging Without Consent Widespread**

One of the new policy's architects doubts it will provide a complete answer to the problem. A report by the Los Angeles County Grand Jury in 1997 suggested that his concerns are valid: An audit of 158 cases found that children in group homes were being drugged without the legally required consent nearly half the time.

Dr. Michael Malkin, chief of mental health services for the county's juvenile courts, said there is no real punishment for doctors who don't seek court approval, and reviewing the consent forms that are submitted doesn't answer the basic questions: Does the child truly need the medication, and do a drug's benefits outweigh its sometimes serious side effects?

John Tobin, the county's mental health coordinator, said the sheer number of doctors treating children in Los Angeles makes quality control nearly impossible. Last year, more than 400 doctors requested court permission to drug nearly 4,500 children—more than 300 under the age of 6. And these numbers don't include the many children whose parents consented to the medication, precluding the need for court approval. Nor do they account for the number of foster and group home kids, such as those the grand jury found, who had been drugged without anyone's consent.

\* In San Diego County, Juvenile Court Referee Michael Imhoff says legislative intervention might be the only way to control the use and misuse of psychiatric medications. "I think everyone will agree that the scope of this problem is expanding," Imhoff said. "It's a systemic problem."

Imhoff said the court's supervising judge now reviews every request to medicate a child, and San Diego's dependency court judges are "absolutely frightened" that children are being drugged without their knowledge. Sooner or later, he said some calamity will occur "that will be very difficult to explain."



## Some Homes Seem to Sedate All Toddlers

Ana Espana, who supervises the unit in the county public defender's office that represents foster children, said she has personally encountered cases of foster children being drugged improperly.

"We had a 5-year-old client who was kept in a psychiatric hospital for over a month, who had multiple changes of medication, and we didn't find out for weeks after," said Espana. "Our feeling was this child was being experimented on. We got him out and into another facility, and they {the doctors at the second hospital} were horrified by what he'd been on."

She said she had been to foster homes where all the toddlers appeared to be sedated, and her office would later find out the children were drugged without anyone's permission.

\* In the Bay Area, several psychiatrists who treat foster children say they regularly see children who have been put on multiple medications by a variety of doctors. Dr. Lynn Ponton, a professor of adolescent psychiatry at UC San Francisco, said a 14-year-old girl who had been living in a group home recently showed up for an appointment on antipsychotics and antidepressants. "She'd been on these medications for a year and nobody knew why she was on them or who put her on them," Ponton said. "They dump {kids} on these meds instead of worrying about continuity of care and therapy."

\* In Orange County, controversy over the questionable use of psychiatric drugs on foster children has surfaced before. More than three years ago, the county hired a UCLA professor, a Torrance psychiatrist and a pharmacologist from a state hospital to investigate complaints by one of its own managers that children at the county's temporary shelter, Orangewood Children's Home, were being improperly medicated.

The report has never been made public, but the county's Juvenile Justice Commission last summer released a brief summary of the major findings, accusing some Orangewood psychiatrists of jeopardizing the health and well-being of children in their care by deviating from "normal, customary practices" in prescribing psychiatric drugs.

Daun Martin, a psychologist and former chairwoman of the Juvenile Justice Commission, said she was "shocked" at the practices at the shelter. "It was apparent from the consultants and the records that there were some serious health risks to children," Martin said.

Tim Mullins, until recently the county's director of mental health services, said the problems at Orangewood have been corrected.

But according to several child psychiatrists, who reviewed approved medication consent forms for children staying at Orangewood, problems persist. The medications requested on some consent forms didn't correspond to the diagnoses, the psychiatrists said, and the amount and combinations of drugs in some cases were "outrageous." In one case, a county psychiatrist put an 11-year-old girl on large amounts of Tegretol, Depakote and Clonidine for attention deficit and hyperactivity disorder and "aggression/agitation." Dr. Thomas Hicklin, head of the child psychiatry ward at the Los Angeles County-USC Medical Center, said either the diagnosis or the medication had to be wrong. "That's appropriate treatment for mania and bipolar disorder. You wouldn't treat ADHD with those drugs," Hicklin said.

In another case, an Orangewood psychiatrist asked to put a 15-year-old boy on massive doses of the antipsychotic Risperdol "indefinitely," and the antidepressant, Trazodone, for behavior outbursts, impulse control and insomnia. "There would be no justification in the literature for such treatment," said Dr. James McGough, an assistant professor of child psychiatry at UCLA, who reviewed the boy's medications. The psychiatrist "is putting this child on medication for a grown man with full-blown schizophrenia. In my mind, it borders on criminal."

Dr. George Pascarzi, the county child psychiatrist who reviews all the medications prescribed at Orangewood, says "those two cases would certainly be considered unusual," though he is comfortable with the medication in both situations. He said he would need to know more about the 11-year-old girl's medical background to judge whether the combination and doses of the drugs were correct, whether other medications had been tried first and what levels of the drugs were detected in her blood tests.

Pascarzi says that at least while the children are at Orangewood, they are given complete medical evaluations and, if necessary, monitored with EKGs and blood tests to make sure the medications are not harming them.

There's no question that the use of adult-strength medications to relieve depression, and to control manias, psychoses and rage, were at one time well-intended and a valid means to help the system's most severely disturbed children. But as the number of kids in the child welfare system has exploded over the last decade, so too has the use of powerful, controlling medications on children, some of whom may not need them, experts say.

Joe Huley, in charge of group home inspections for the Orange County Department of Children and Family Services, ordered one Tustin group home for children ages 3 to 12 to fire its psychiatrist in 1996, after discovering that the doctor was prescribing the tranquilizer Thorazine for every child in the home—whether they needed the medication or not.

## Prescribed for Need or for Convenience?

**Many parents say they believed their kids didn't require medication but felt pressured to sign consent forms because they hoped to regain custody of their children and didn't want to appear uncooperative.**

"What can I say about it? If I protest, they'll say I don't care about the kids," said Janet Van Eyk of Orange, whose three grandchildren were taken from her after she was accused of abusing one of them. "I had the girls assessed at school for hyperactivity and they said they didn't need drugs. Now they have them on them."

While many kids do need treatment, many others in the state's care are drugged for expressing normal angry reactions to abuse and abandonment—or for just being rambunctious kids, say children's attorneys and some psychiatrists.

Psychiatrists, or sometimes simply internists, employed by some group homes respond to the complaints of harried child-care workers by prescribing medications or increasing dosages on the basis of a phone call from an untrained worker, say child advocates and the workers themselves.

"Putting kids on medication is easier for the people who care for them," said Dr. Euthymia Hibbs, chief of psychosocial treatment research for children and adolescents at the National Institutes of Health. "It is more convenient for everyone around—but the kids."

J. Michael Hughes, an Orange attorney who represents children in protective custody, agreed, "The group home calls up and says, 'Johnny is acting up.' So they give him a drug. It's perennially a problem in these group homes."

Dr. David Chadwick, director emeritus for the Center for Child Protection at the Children's Hospital of San Diego, said doctors and court officials there became concerned when it appeared that foster parents were having unruly children put on medication without proper examinations or consent. In two separate instances, Chadwick said, foster children ages 4 and 5 came in for medical exams taking antipsychotics and anti-hyperactivity drugs. "The foster mothers had relations with certain doctors where they could just call up and get meds," Chadwick said. "There was not what I considered a sufficient evaluation before they prescribed the drugs."

Professor Stahl from UC San Diego places part of the blame on a child welfare system that cheats doctors of the resources they need to do their jobs. "The doctors don't have time to make an assessment. The fastest thing is to use chemical straitjackets on the kids—and some of them probably need it.

"You're forced to use drugs because {the group homes} are understaffed and they're unnatural environments," Stahl added. "The facilities have to be safe."

Usually there are three or more traumatized kids for every group home staffer, though there can be as many as eight. The workers, typically fresh out of college, are paid \$7 to \$9 an hour and seldom stay longer than a few months. Drugging kids is cost-effective: Most pills cost from 3 to 17 cents. Therapy is an expensive proposition.

"A lot of these kids suffer from a deficit in attention, not attention deficit disorder," said James Swanson, a psychologist who heads UCI's Child Development Center.

"If we were to get more one-on-one with these kids over a longer period of time," said Javier Chavez, a senior counselor at Orange County's children's shelter, "they wouldn't need all those meds."

It is resoundingly unclear how "all those meds" may be altering children's lives. Anecdotally, however, experts say there are numerous disturbing accounts.

Under the influence of such drugs, children have suffered from drug-induced psychoses, hallucinations, abnormal heart activity, uncontrollable tremors, liver problems and loss of bowel control, according to health professionals, attorneys and court records.

The manufacturers of some drugs, such as the antidepressant desipramine, specifically warned doctors not to give the drug to kids after some children became ill or died as a consequence of taking the drug. "We advise against using {desipramine} in children," said Charles Rouse, U.S. director of communications for Hoechst Marion Rousell, the maker of the antidepressant.

Because the drugs have been approved by the U.S. Food and Drug Administration for adults, a doctor can prescribe them to patients of any age, even though they have not been tested on children.

"These drugs can result in a toxic reaction, either something that makes the child really sick or . . . makes the kid dead," said Dr. Chadwick from the Center for Child Protection in San Diego. Chadwick was hired as a consultant in a court case involving a Seattle foster child who died in 1996 after being given toxic doses of an anti-hyperactivity drug.

No foster children in California are known to have died from excessive or improper medications. But child advocates say prescription drugs could have played a role in some cases where death was blamed on unexplained heart arrhythmia or other organ failures.

One such death occurred in March in San Bernardino, where a 10-year-old boy in a group home was found to have died of a heart attack brought on by unknown factors. A police detective said toxicological tests showed that the medications in his system were within acceptable limits, so the death may never be explained.

Beyond the physical side effects, experts worry about how or if these medications affect children's ability to have

normal relationships, to learn, and to have and rear children of their own.

Children between the ages of 3 and 6 who take antipsychotics such as Mellaril and Haldol have been found to have learning problems. "Your brain is wired to learn things during that period that you can't learn later," Dr. McGough from UCLA said. "There's a real risk. Nobody knows the long-term effect."

Some doctors and child advocates worry that the pills set the children, often the progeny of drug abusers, on a lifetime of drug dependency.

"This is the wrong message to send to children: 'Take this pill and you'll feel better,'" said Dr. Thomas Laughren, medical reviewer for the FDA's division of neuro-pharmacological drugs.

Added McGough: "You're really teaching them that they're dependents and damaged and need drugs to be normal."

Some psychiatrists may be unaware of the serious side effects that some of these drugs can have, because they spend so little time with the children—unlike their caretakers.

At a Tustin group home, one 3-year-old boy appeared so dazed and incommunicative that a therapist said he would never leave the child welfare system or his medications, that he was retarded and unadoptable. But when Greta Anderson, a Costa Mesa foster parent, took in the 30-pound boy she learned he was being given large doses of clonidine, a drug used to fight both depression and hyperactivity, three times a day.

"The amount of medication he was on for a 3-year-old was just incredible," Anderson said. "Once we got him off the drugs, his vocabulary increased tenfold, he was potty-trained and his medical diagnosis went from mental retardation to learning disabled."

"I'm not against medications," said Anderson, who is in the process of adopting the boy. "I'm against sedating children."

Dr. Malkin also sees the effects of over-drugging. He recounted the case of a 9-year-old girl in Los Angeles County who ended up back at the county children's shelter after attacking her foster sister with a knife. The girl's Ritalin prescription had been upped to dosages far beyond those recommended for her age and weight, Malkin said.

"She was psychotic when she got {to the shelter,}" Malkin said. "She just had a toxic amount of Ritalin in her system. When we took her off the medication, she was fine."

"The only real solution," Malkin said, "is to have social workers with caseloads of 10 kids. The thing that's missing is to have someone in the parental role. Someone who shares the child's destiny."

## Drugs Used in Group and Foster Homes

*The Los Angeles Times, May 22, 1998*

**Re "Caretakers Routinely Drug Foster Children,"** May 17: One question that occurred to me immediately is the issue of incentives to use pharmaceutical drugs offered by the drug companies and their detail men. What kind of rewards are available to doctors who are heavy prescribers of the various prescription drugs being given to these children?

What is happening to the licenses of foster care providers who have given drugs to children without approval? And what has happened to the psychiatrists who have done so? Who are the dependency court judges who have not been as vigilant as they should have been?

Earlier, The Times has reported on murders and deaths in foster care situations across the county. How would we know if unapproved drugs were being given to those children, as they were to the unfortunate 9-year-old who stabbed someone after being on a high dose of Ritalin for weeks?

JOE SHEA, Hollywood

*\* The majority of the blame for the drugging of children in group and foster homes should be placed on the field of psychiatry. This profession has created a superfluous amount of diagnoses of disorders, most of which are unlikely to be real disorders. And sadly, the abuse of power that psychiatrists enjoy in our society—power which enables them to have free rein to pathologize virtually every aspect of human emotion and behavior—has given places like these group homes a convenient means to chemically control their young residents.*

It worries me when I consider what could happen to a child who isn't lucky enough to get adopted and continues to be drugged presumedly until age 18, when he or she can finally leave the group home. Many of these kids are not going to function very well out in the community after being on the drugs for so long. Some could end up becoming part of the homeless population. And since psychiatry has already been victimizing the homeless by turning unfortunate living circumstances such as having to take shelter under a bridge into a mental disorder, these kids could end up in yet another facility where they will be drugged.

M.L. HERRING, Orange

*\* Thank you for your editorial condemnation (May 19) of prescription writing in the absence of personal clinical assessment.*

But physicians prescribing psychiatric medications are not necessarily psychiatrists, which the editorial appears to suggest. Indeed, a welcome journalistic follow-up would be a statistical breakdown of the qualifications of the physicians prescribing psychotropic medications for county wards in group and foster care.

SAUL ISAAC HARRISON MD  
Child and Adolescent Psychiatric Career, Pacific Palisades



# State Moves to Monitor Foster Kids' Drug Doses; Health: A task force will develop standards for giving children mood- or behavior-altering medications.

TRACY WEBER

The Los Angeles Times, Dec 31, 1998

Judges, psychiatrists and government officials are developing an unprecedented plan to protect abused children in the state's care from receiving improper and unmonitored doses of potent psychiatric medications.

The effort, which is intended to lead to reforming legislation, comes in response to a Times investigation last May that found that thousands of children in California's group and foster homes are routinely given psychiatric drugs, at times simply to keep them docile for their overburdened caretakers.

"Right now there are no standards," said Dr. Penny Knapp, medical director for the state Department of Mental Health. "This is going to set the standard for how these children should be worked up and what the criteria should be for assessing whether they need medication."

The key phrase is: raise the bar," said Knapp, a child psychiatrist who is heading the effort. "Everybody knows this is a problem and the meds are just the tip of the iceberg."

Knapp said the task force, formed as a result of a Senate bill passed in August, must report back to state lawmakers with a plan by July 1. The revelations about the use of the mood- or behavior-altering medications on vulnerable children came as part of a series of stories earlier this year looking at the plight of children taken from abusive parents and placed under the state's protection.

Foster youth are being given drugs in combinations and dosages that experts in psychiatric medicine say are risky and could cause irreversible harm. The drug use was revealed in a review of hundreds of confidential court files and prescription records, observations at group homes, as well as interviews with judges, attorneys, doctors and child welfare workers statewide.

The Times found children who had been prescribed several types of psychiatric drugs at the same time, even though most of the drugs have never been tested for use in children, and foster children as young as 3 taking potentially dangerous psychiatric drugs to control their "depression" and "rage."

Officials responsible for these children's welfare often did not know who put the children on the medications or why,



and sometimes were not even aware the children were drugged. In numerous incidents, children seemed to be misdiagnosed, given the wrong medication or given too much medication.

## Experts Agree Monitoring Is Needed

While many psychiatrists defend the use of psychotropic medications on children in foster and group homes—arguing that the benefits of using them on children who are often very troubled outweigh future risk of harm—most agreed the lack of consistent monitoring is disturbing.

In many instances, the doctors who prescribed what their colleagues call "chemical straitjackets" aren't psychiatrists and have little training in the highly specialized field of psychiatric medicine. Some of these doctors and psychiatrists, according to group home directors and child care workers, examine a child for minutes before prescribing powerful medications.

The task force, set to meet for the second time Jan. 4, hopes to enact statewide standards that would prevent knee-jerk drugging of children who often are expressing normal despair and anger in response to abuse and abandonment, Knapp said.

"One thing we can do is make sure any child on medication has a thorough exam," she said, to prevent a doctor from simply looking at "a rap sheet of a child's bad behavior and giving him what I call a 'bad boy cocktail' of Ritalin, Depakote and clonidine.

"Right away there would have to be a certain amount of time spent with a child before he could receive medication and a standard for reporting it," Knapp said. Currently, she said, some group homes hire on a doctor for, say, four hours a week and expect the physician to examine more than 20 children.

Social workers also would have to spend more time with children who are being given psychiatric medications, she said. And doctors would be required to monitor a child's progress.

In response to the stories, The Times received more than 600 phone calls, e-mails and letters. Doctors, judges, attorneys and child welfare workers across California, as



well as in 13 states and Canada, said such drugging occurs in other areas of the country as well.

Pat Leary, a former consultant to the Senate Budget and Fiscal Review Committee, said the children's plight was so disturbing that lawmakers ordered a solution to be found as part of a massive foster care bill passed in August.

Los Angeles Superior Court Judge Terry Friedman, who supervises the courts that oversee the cases of foster children in Los Angeles, said the stories forced the state to face a troubling problem that had long been festering out of public view."

Once brought out of the darkness, it's much more likely that reforms will be enacted that protect children," said Friedman, who imposed a system designed to regulate the use of psychiatric drugs in foster youth in Los Angeles last spring.

Health Passports Backed for Foster Kids In Orange County, the focus of much of the series, Judge Ronald Owen, presiding judge of Orange County Juvenile Court, now must sign off on requests to medicate a child, though he admitted that he does not know much about the medications or the doctors prescribing them. Owen said he must trust that the requests are appropriate and safe. "Obviously I'm not a psychiatrist," he said.

Harold LaFlamme, whose law firm has represented children in Orange County Juvenile Court for more than 20 years, said, "It's not a very satisfactory solution. The most satisfactory solution would be to have a panel of independent psychiatrists review them and say yea or nay.

"But Owen said the court lacks the money to have an independent psychiatrist review the requests for medication. "We don't even have enough staff to do what we need to do," he said.

Friedman, who will serve on the state task force, said that has to change.

"There's got to be a mandated second opinion on drug requests or some way to qualify the physicians," he said. "These principles are necessary to protect children from harm."

Knapp agreed. "What we're trying to do is construct a system where each county will have a plan for following

these children and monitoring them and the plan would be the same in all counties.

"Knapp, head of the child psychiatry unit at UC Davis, said the task force also hopes to enforce the use of health passports, detailing a child's medical and medication history, that would accompany children as they move among group homes and physicians. An 8-year-old state law requiring such passports has been routinely ignored as too burdensome and foster children's medical records are often incomplete.

Knapp said the state would have to "come up with the resources" to make such changes. "It's not going to be a cheap and easy fix.



"In the meantime, state lawmakers have ordered other state workers to beef up their oversight of foster kids. Licensing officials now are responsible for checking not just that the group homes are safe, but that the children in them are properly cared for and the staff is trained.

"We're not just looking at health and safety. We're interviewing the children to see if their needs are being met and asking the staff what training they've received," said Patrick T. Smith, a state licensing official who oversees Orange County homes.

In addition to problems with medication, in many group homes food is

scarce, the surroundings are filthy, schooling is poor and the surrogate parents are \$7-an-hour employees who often quit after a month. Abused children as young as 18 months old who sometimes have no mental problems are mixed together in homes designed for some of the system's most disturbed children.

Last August's \$160-million foster care Senate bill also provided \$40 million for more social workers so that every child receives at least one face-to-face monthly visit and \$500,000 for a fraud unit to check that group home operators aren't misusing funds.

Since the stories ran, the Orange County Department of Children's Services has more than doubled the number of workers monitoring the county's group homes.

Knapp, who had long seen problems with medications and foster youth, is optimistic. "It's almost like you're grateful to be told you have to do something you needed to do," she said.

# A Foster-Care Tragedy Worthy of Dickens

LEW HOLLMAN

The Los Angeles Times

July 18, 2002

Los Angeles has a foster-care system driven by what is available, not what is needed. Children receive too few services too late. Thousands are shuttled to ineffective and expensive institutional care. They are poorly monitored, with no consistent, individualized care. Not surprisingly, many deteriorate in county care, populating our jails, homeless shelters and mental wards after they “age out” of a failed system. Many never overcome the effects of the abuse or neglect they have suffered.

At a time when funds for children’s services are ever more scarce, we are paying more for less in terms of healthy outcomes. Millions of federal dollars are at risk because of our inability to meet reasonable guidelines for stable placements—through family reunification, adoption or long-term foster care. More important, the children whom the system is intended to protect are being irreparably harmed.

This is not a problem that can be solved simply by changing the person at the top, as L.A. County has done twice in recent years. It requires a philosophical change at all levels—from a system based on what services are available to a system based on earlier intervention and individualized needs.

A suit will be filed today on behalf of foster children put at risk by a failed system. It will demand a wider array of mental health services available under Medi-Cal; multidisciplinary assessments of the needs of each child based on all relevant information; continuity in services and plans for each child; and the development of services and providers to ensure that no child will be rejected.

MacLaren Children’s Center in El Monte, the county’s emergency shelter for abused and neglected children, is an apt symbol of our failed system. Designated a short-term shelter, it has become instead the county’s warehouse for the unwanted. Once a home for wayward girls, it retains its foreboding atmosphere. Such control as exists—in many instances, poor management has led to children being abused, often by other residents—is prison-like.

Some MacLaren residents languish for months beyond the ostensible 30-day limit. Many more are constantly “recycled” as foster homes reject them, adding to the trauma that brought the children to the county’s care. One plaintiff, removed from her home as a result of sexual and physical abuse by her stepfather, was moved by the county 28 times between the ages of 9 and 13. Another is in a locked facility because of the healthy impulse to find a better life elsewhere. In less than three years, she was moved 25 times.

When Dickensian stories like these are related to the uninformed, they are greeted with incredulity. It is often assumed that lack of resources must be the problem. Of course, no one desires these rootless sojourns through impersonal care. And our society could, no doubt, better invest in the needs of its children. But lack of money is not at the root of these problems.

Inertia and lack of accountability are the culprits. The county has become increasingly defensive about releasing cost estimates.

According to a recently released Los Angeles Grand Jury report, however, **costs during the 2001-2002 fiscal year at MacLaren approximated \$757 per day for each child—more than \$276,000 per year. Group-care facilities, recognized as contrary to the interests of most children, were estimated to cost about \$33,000 annually per child five years ago. By contrast, children at risk who can be assisted without removal from the home cost less than \$5,000 a year, and foster home and kinship placements less than \$10,000 a year.**

Medi-Cal, through the early and periodic screening, diagnosis and treatment program and other federal programs, can pay for many of the intensive services that children need. True case management would ensure the effective use of such services to enable children to remain in—or quickly return to—their homes, be freed for adoption or settled in long-term foster care.

The county recognizes the penny-wise, pound-foolish nature of the system. In addition to grand jury reports, state audits, independent evaluations and testimony before the Board of Supervisors, it brought its own expert in to evaluate and make recommendations in 1998.

Dr. Robert F. Cole, an independent expert nationally recognized for his work with disturbed children, centered his recommendations on an “integrated delivery system,” such as “wrap-around” care, that would coordinate services and deliver them in a family-like environment, or the child’s home, whenever possible.

A successfully tested method, the wrap-around concept is used in other counties in California and in other states, where it has reduced cost and improved the outcomes of children in foster care. The goal is for caseworkers, therapists, health providers and schools to work together to ensure children prompt and stable placements and the early development of a long-term plan to see children reunited with their families, adopted or placed in long-term foster care.

Two years after his initial report, Cole praised the county for being poised to implement coordinated services for foster children. But in that time, the county had contracted with only two providers for wrap-around care, serving two children each. Although additional foster care providers have been found since 2000, wrap-around care and other types of intensive care are virtually unavailable in a system providing services to more than 50,000 children a year, with slightly less than 38,000 in county custody. Half of those in custody are estimated to have serious emotional problems. Those problems will become increasingly difficult and expensive to treat if effective care is not provided. The U.S. Supreme Court has held that due process under the Constitution requires the government to protect from harm any child it takes into its custody. The Constitution is violated when children deteriorate in county care or are subjected to policies—such as 25 different placements in less than three years—that no disinterested professional would countenance. Federal Medicaid laws are broken when needed medical services for children are not provided.

The lawsuit to be filed today will ask the court to cut the knot of inertia and hold accountable the county and the state officials responsible for oversight.

*Credit: Lew Hollman is executive director of the Center for Law in the Public Interest. The litigation referred to in this article is being brought by the center; the ACLU Foundation of Southern California; Heller Ehrman White & McCauliffe; the Western Center of Law and Poverty; Protection & Advocacy, a law firm; Bazelon Center for Mental Health in Washington, D.C.; and the Youth Law Center of San Francisco.*



***As we reflect on where we are today in our efforts to protect children from abuse, its important to look at how it all got started. This article was written before CAPTA was introduced.***

## **COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS FEDERALIZE U.S. CHILDREN**

***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.

### **PRESIDENT NIXON WANTS YOUR CHILDREN EARLY**

President Nixon, addressing Congress in 1969, recommended that the government become involved in developing children during "the first five years of life." The anticipated age range can be expected to be from infancy to kindergarten. What significant educational training can there be for babies in arms except to condition them to be away from their mothers and look to the State for security and guidance?



## 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 LOSE 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!"



# THIRTY YEARS OF CAPTA

Analysis of the 1974 Federal Child Abuse Prevention and Treatment Act (Public Law 93-247)

## *The background, limitations and results of federal and state child abuse legislation*

By Damon Coffman

**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 surprisingly, 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 Alica 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 (Berkeley), 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 Besharov, 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. Besharov 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. Besharov. 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 disinvent 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 than 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 each case, allowing the D.A. extra resources to obtain 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, they 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.

# VICTORY FOR PARENTS RIGHTS IN UTAH COULD HELP PARENTS NATIONAL BATTLE AGAINST COERCED PSYCHIATRIC DRUGGING



On March 21, a victory for parents' rights was enacted when Senate Bill 208 in Utah was signed into law. As an amendment to the state's Human Services Code and Judicial Code, it prohibits a state or peace officer or child welfare worker from being able to remove a minor from his or her school or home—with or without a warrant or court order—unless the minor's parent or guardian consents. It also vacates (cancels or rescinds) prior law that permitted a child to be removed from a home for "educational neglect." Nationally, scores of parents testified that school personnel have threatened to report them to Child Protective Services (CPS) for charges of educational neglect if they refuse to give their child psychiatric drugs as a requisite for being in school.

The abuse by Child Protective Services giving rise to these amendments in the law has contributed to children needlessly being removed from their homes or being permitted by parents to be drugged who allow such treatment only out of fear of losing their child. Parents who have fought to keep their children psychiatric drug free have had their rights brutally violated and had their children wrenched from their homes. When forcibly removed, children frequently end up in Foster Care, and the chances of them surviving this system without being prescribed the very drugs their parents fought to protect them from are grim.

**In 2001, a Los Angeles Times investigation found that thousands of children in state foster or group homes were being administered powerful psychiatric drugs, mostly for the purpose of making the kids easier to manage.** In LA County alone, dependency court judges approved requests to medicate 4,500 children per year.

The Miami Herald also reported that one in three Florida children in state care were prescribed psychotropic drugs. **In their files were pre-signed, blank documents that provided "consent" for children to receive both medical treatments and psychotropic drugs. The files also showed that child protective service caseworkers routinely were allowed to provide consent for treatment and psychotropic drug use for children in their care—a violation of state law.**

The Smiths of Michigan exemplify the threats being leveled at parents, and their often-tragic consequences. At seven, Matthew Smith was diagnosed through his school with "Attention Deficit Hyperactivity Disorder" (ADHD) because he "fidgeted" and was "easily distracted." Parents, Lawrence and Kelly, were warned that unless they agreed to put Matthew on a psychiatric drug, they could be criminally charged for neglecting his educational and emotional needs. The Smiths acceded to the pressure and lived under fear that Child Protective Services could remove their son from their home if they took him off the psychiatric drug. On March 21, 2000, while skateboarding, 14-year-old Matthew died suddenly from a heart attack. The coroner determined that Matthew's heart showed clear signs of the small blood vessel damage caused by Ritalin and concluded that he had died from the long-term use of the stimulant.

In 1997, New York school psychologists and psychiatrists coerced Mrs. Patricia Weathers into drugging her 7-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. Mrs. Weathers withdrew Michael slowly off the drugs. Child Protective Services charged her with medical and educational neglect, despite medical tests having determined Michael suffered from untreated allergies and anemia. The charges were later dropped.

The Utah law should send a warning bell to all states that **unlawful seizure of children by a state agency or agents, especially those with the power to force children onto powerful psychotropic drugs without their parent's consent, or threaten to or act on that threat to remove a child from his or her home if parents refuse to put their child on psychiatric drugs, is simply unconstitutional.**

The Utah law was prompted by a 2002 10th Circuit Court of Appeals decision (Roska vs. Petersen) where CPS had removed a child, without a warrant, from the home of a mother, Connie Roska, said to have a "mental disorder"—a "disorder" that is surrounded by controversy because there is no scientific evidence to substantiate it. The court ruled the action violated the Fourth and Fourteenth Amendments of the U.S. Constitution. The court found that the seizure of her child violated a right to liberty in the family relationship between the parent and child.

This report was issued by the Citizens Commission on Human Rights International, which was founded in 1969 to investigate and expose psychiatric violations of human rights. For more information on the issue of psychiatric labeling



# PSYCHIATRY COMMITTING FRAUD

Extortion in the Name  
of Mental Healing



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 literally 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”

## PSYCHIATRIC FRAUD MENTAL HEALTH CARE TODAY

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*

# AT THE EXPENSE OF PEOPLE'S LIVES



**According to the United States General Accounting Office, America lost about \$100 billion to health care fraud in 1998. That's about 10% of the annual health care budget. It should come as no surprise then to hear that the Justice Department readily acknowledges health care fraud as the number one white-collar crime.<sup>1</sup> This involves all areas of health care of course. But what is not generally realized is that in recent years the largest health care fraud suit in history involved the smallest sector of health care – mental health.**

On April 12, 1991, 14-year-old Jeremy Harrel accompanied his mother to a veterinarian to seek help for a stray cat he'd found. A patrol car, with its lights flashing, pulled up beside them, and two hulking uniformed men, who appeared to be police officers, announced that they were taking Jeremy to Colonial Hills Psychiatric Hospital. They were not police officers but security guards. And they were there because a psychiatrist, Dr. Mark Bowlan, and a child welfare agent – who had *never* spoken with Jeremy 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 Jeremy was "truant from school, failing grades, violent [and] aggressive," and was "likely to cause serious harm to self." If not treated, he added, the boy would "continue to suffer severe and abnormal mental, emotional or physical distress," would continue to deteriorate and was "unable to make a rational and informed decision as to whether or not to submit to treatment."

**Psychiatry's predatory and profit-driven practices in the United States have led to federal and state fraud investigations that recovered more than \$740 million for the government.**

It took the efforts of United States Texas State Senator Frank Tejeda to finally obtain Jeremy's release after he had discovered the boy's admission was based on the unsubstantiated and untrue comments made by Jeremy's 12-year-old brother.

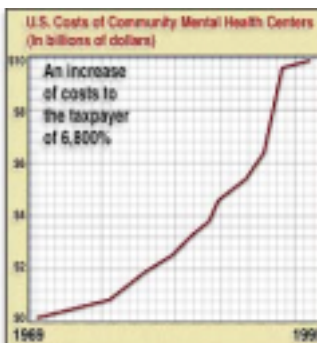
In all, Jeremy was held for six days. During this period he was drugged without his parent's permission and they were refused permission to visit him. "[He] was a different boy when he came back home," his mother said. "I mean, he was entirely different." He had turned from a vivacious boy to someone with a glassy stare and dragging gait. **The family's health insurance was charged \$11,000 for this fraudulent "admission" and "treatment."**<sup>2</sup>

The case sparked state-wide and national investigations into mental health care fraud and abuse on an unprecedented scale. In 1991, during hearings against private-for-profit psychiatric hospital corporation,

National Medical Enterprises (NME), Texas Senator Mike Moncrief stated, **"We're the first state to turn the rock over, and it's frightening to see what's crawling out from underneath."**<sup>3</sup> The following year he told Congress, **"...we have uncovered some of the most elaborate, creative, deceptive, immoral, and illegal schemes being used to fill empty hospital beds.... This is not just unreasonable. It is outrageous. And it is fraudulent."**<sup>4</sup>

Psychiatry's predatory and profit-driven practices would ultimately subject NME to 14 separate federal and state investigations. On August 26, 1993, the company was raided by more than 500 FBI and other federal agents and the following year paid out \$375 million to the U.S. Justice Department.<sup>5</sup> It was ultimately forced to settle suits encompassing \$740 million in claims.<sup>6</sup> And, the scandal caused a domino effect with numerous other private-for-profit psychiatric hospitals paying millions in refunds, penalties and settlements.

**Jeremy Harrel (right) was wrongly institutionalized, drugged and his parent's insurance billed to the tune of \$11,000 – due to false comments made by his 12-year-old brother that were acted upon by a psychiatrist.**



On April 28, 1992, Congresswoman Pat Schroeder, Chairwoman of the House of Representatives Select Committee on Children, Youth and Families, delivered a scathing rebuke of America's mental health industry, referring to its "unethical and disturbing practices." Her investigation

found that **"thousands of adolescents, children, and adults have been hospitalized for psychiatric treatment they didn't need; that hospitals hire bounty hunters to kidnap patients with mental health insurance; that patients are kept against their will until their health insurance benefits run out...[and] that bonuses are paid to hospital employees, including psychiatrists, for keeping the hospital beds filled...."** Clearly, this *BUSINESS* of treating minds – particularly this *BIG BUSINESS* of treating *young minds* has not policed itself, and has no incentive to put a stop to the kinds of fraudulent and unethical practices that are going on.<sup>7</sup>  
<http://www.cchr.org/fraud/eng/page00.htm>

# Comprehensive Outline of the Systemic Process of Abuse for Profit Called “Child Protection Agencies” in America Today

When the Adoption and Safe Families Act was passed in 1997, it was meant to create loving homes for children who had been “languishing” in foster care over a long period of time, some children had been in foster care for years, others had been bouncing around from one foster home to another with no hope of the security that an established home with a permanent family could offer.

Another seemingly good idea at the time, was the creation of the adoption bonuses for the state child protective system’s caseworkers, this idea was implemented for the sole purpose of creating a “get the job done” incentive for the case workers, to do something for the children, other than shuffling paper work and filing reports on these “shelved” children.

As these children were being adopted and began to leave the foster care system, the bonuses began to filter into the child protective systems around the nation. There were an overwhelming amount of couples, being enticed by the many different monetary conveniences of not having to support the children out of their own pocket, the foster care money would take care of that burden, on top of which there were offers from the government for tax credits and bonuses, to adopt these unwanted children. It wasn’t long before the demand for adoptions outweighed the supply of children in foster care. The waiting list for an adoption could be years, the majority of waiting couples were not favorably receptive to the thought of waiting for years to adopt a child, so they took the required training to become foster parents, because as sanctioned foster parents, they were guaranteed a child within weeks. They would have a child placed with them, then subsequently adopt the child within 15 -22 months, after which these “foster parents” would disappear from the system after their need for a child had been met.

In some cases the child is adopted within a year, because the permanency hearing is to be scheduled within one year of the foster care placement, leaving precious little time for the natural parents to raise funds for the hiring of attorneys, file motions, petitions and/or appeals.

The majority of these parents are from the poor or middle working-class, and cannot afford the attorney fees, which have become unreasonably high over the years. One very well known child custody attorney asked for \$12,000 down payment to take a case!

What would happen, I wonder, if ALL of these people were to strike in protest of their children being confiscated?

This country would stand still.

Now the legislators are wondering why all the GOOD foster parents are leaving the system? Because there are

no such kind of people as “FOSTER” parents, they’re potential adopters, finding their incentive on the internet to adopt a child via foster care.

Foster CARE was meant to be temporary--NOT the foster parents.

After these foster parents are gone, the need for more foster parents increase. With all their false allegations, DFS is slowly obliterating ANY people who would make good potential foster parents.

There are even those instances when DFS will file false allegations of abuse against the adoptive or foster parents themselves....when DFS can find no more children to take, they just “repossess” children which have been previously adopted or placed into foster care.

At this point in time, there are NO foster parents, there are only adoptive parents in disguise....“When in Rome”...as the saying goes.

The case workers, in charge of these cases, became so intent on proving the unfitness of the biological parents, and creating false allegations to assure the termination of parental rights, that they lost all concern and common reason to prove the FITNESS of the ADOPTIVE parents, resulting in the problem that we now have.....children being abused and murdered in foster care and adoption.

According to the federal mandates of the Social Security Act, which governs the placement of a child into foster care, a child had tube “languishing” in foster care PRIOR to adoption, to guarantee that the state would receive the adoption bonus, when the child was finally adopted.

When the supply of children in foster care began to dwindle, there was a chance that the DFS agency would not get their bonus. That was when many rogue case workers and county DFS directors began to lodge false allegations of abuse against innocent parents, thereby creating an unlimited supply of children into foster care to meet the demand of adoptive couples who were disguised as “Foster Parents” and waiting in line for the children that were being taken into custody by DFS.

The children were, and still are, being taken into custody by DFS at an alarming rate, and immediately placed into foster care, sometimes within an hour, and with the sole intention to adopt.

Adoption became the only option, in order to receive the cash bonuses. Most of the adoption petitions in Lawrence County, Missouri, are filed before the child is even available for adoption, prior to evidence being heard at the permanency hearing.



The government funds for reunification and family preservation, has been used for other services to speed up the termination of parental rights. Therefore, the state stands guilty of adoption and foster care fraud, they obtained the money by violating the federal mandates.

Most parents are unaware of the fact that they are protected by these mandates, and can actually retrieve their children if an honest, intelligent attorney were on the case. The key word here for their protection is "Languishing" in foster care. The "languishing" pertains to the 15-22 month period following the day that Social Services places the child into foster care, but a hearing is available within 30 days.....so forget the term "languishing."

The termination of parental rights, cannot be filed until 15 months and 60 days from the date, that the child has been taken from the home. In some cases the GAL's do not wait for the allotted time to pass, and will file prematurely for TPR.

The governor of each state, is compelled to sign an oath when he/she takes office, to uphold and protect those mandates, otherwise the governor can be held accountable for failing the child and the federal government, whenever those mandates are violated for the purpose of receiving the federal grants being paid for foster care. Social Services MUST obey those Federal Mandates to the letter, in order to receive the grants. Before placing a child into foster care, the case worker handling the case, must prove that every reasonable effort has been met to seek out and locate a fit and willing relative placement. An adult relative takes precedence and first consideration over an outside care giver, in the interest of family preservation and reunification of the family, which is in the best interest of the child. This mandate is being ignored by poorly trained social workers who take children on "probable cause", and yet this agency will never file criminal charges against the parents to prove guilt.

Why?

Kinship care is never considered a reasonable option by Social Services. Kinship care does not allow the state to collect federal monies for foster care/adoptions, so when the case worker takes the child, the paper work will be marked "NO RELATIVES" even though there are grandparents and other relatives available to take the child. Missouri DFS never seeks out those relatives. This would save the state an exorbitant amount of money, and as of now Missouri is going bankrupt, due to the unnecessary overspending of DFS for foster care, adoption bonuses, attorney's fees, Guardians ad Litem, contracted therapists, and medicaid.

In many cases the children are said to have been sexually molested, but the parent or perpetrator is rarely, if ever, formally charged and brought into a court of law, because in most of these cases, DFS hasn't one shred of proof against the accused parent other than their own allegations on paper.

But innocent parents are still losing their parental rights in the end, due to ineffective judges who do little more than warmth bench, and do nothing to make the DSS provide proof of the allegations and their reasonable efforts to place the child with relatives.

It seems to be a "hate crime" and discrimination against parents who are poor. They are easy marks for DSS and cannot fight a system with a money tree such as the one backing DSS. Martha Stewart and Mario Lanza both came from underprivileged households. They went very far in the world.

When it is said that a child has been sexually abused, it would become medicaid fraud if these sexual abuse assessments and treatments are charged to medicaid, which is quite often the case.

This type of assessment and treatment, is to be paid by the Children's Treatment Fund, but there is documentation that Medicaid is picking up the tab.

The CTF investigates each case quite thoroughly to determine if sexual abuse has actually occurred, and DFS does NOT want these investigations to bring the truth to the surface. So they send the bills to medicaid for payment, (I have one of those billings, and the assessment signed by a Missouri state contracted therapist.)

After the placement of the child into the foster care system, Missouri DFS then **applies for the foster care grants, while at the same time forcing the parents to also pay for the foster care, under the term "Current Child Support."** This is also illegal on the part of DSS, who never uses the parent locator system to find a missing or absent parent.

If they actually find the absent or missing parent, there is a chance the child will be placed into the custody of that parent and not be available for adoption at a later date, therefore **they allow a child support bill to accrue into the thousands of dollars, until it becomes FELONY NON-SUPPORT, damaging any chance of custody being won by that missing or absent parent.**

The parents are also to provide medical insurance for the children. BUT....the premiums on this health insurance is unreasonably high. The father of a child in foster care, called one of the country's leading insurance companies, and asked the representative WHY the premium was so expensive....the representative's answer was, "A child in foster care is considered to be very high risk!"

These children are NOT "languishing" in foster care--they are placed into foster care, usually on the same day that they are taken into custody, and placed into foster care sometimes within an hour, for the express purpose of adoption, so that DFS can collect the adoption bonuses that each state will receive. The forget the children who have already been adopted and have aged out of the foster care system.

When a child resists bonding with the foster or adoptive parents, they are immediately admitted into therapy for psychological problems. And at times if the child becomes violent or combative, or prone to tantrums due to their anger of being the focal point of all the family destruction, they are placed into a mental health facility and subsequently started on medication known as "psychotropic" medication, or mind altering drugs to make them more docile, and easier to manage and control.

This is quite common in nursing homes for the elderly, if the patient is labeled as "combatant" or "combative." I have seen the results of those types of "psychotropic" drugs, and it is horrible. They rob the patient of any and all humane feelings.

Any child who has been deprived of what belongs to them by birth and nature, will invariably become combative at some stage during the transition of losing their own past lives, no matter how good or bad it may have been.

One child bit the finger off a school nurse as she was administering medication to him.

My own granddaughter, who was in foster care for 35 days, said it best, "They can't bond with a stranger because they want their OWN parents, their OWN grandparents, their OWN room and their OWN stuff."

That is the key word..... OWN! As in: that is MINE. I OWN that. It belongs to ME. It is MINE.

The obliteration of those personal things can destroy the child's sense of belonging. How can one expect the child to accept anything new, if the feeling of belonging is deprived by the destruction of what had belonged to him/her to begin with?

That destruction of familiarity, will eventually bring about compulsive disorders, such as the need to clean or rearrange things, in an attempt to exercise control in their lives or numerous eating disorders.

We are becoming a nation which will lose the sanctity of home and family if we do not take a stand at the voting polls. Watch the reports of how your congressman and senators vote on bills. Then decide what you consider to be vitally important in a child's life.

So think very hard and use common sense the next time you hear the term "Leave No Child Behind" this phrase has become quite unpopular with the common person, and has a more sinister meaning behind it, than one can imagine.

Stephen King has nothing on the creator of the "Adoption and Safe Families Act" of 1997.

It has been used to create a perpetual living nightmare for innocent parents, falsely accused by a system, in which greed has outgrown common decency, freedom and democracy. It has been used to create a living hell for the helpless children condemned to live within its dark

boundaries, with no way out and no hope of rescue, and NO ONE asking them what their version of the truth is.

These children are the true victims.....and yet they are never asked about their own opinions and desires, by their GAL, nor their state contracted therapists, who are all being paid by the federal foster care grants, the foster parents are not going to relay what the child truly wants, the foster parents' true goal is to adopt a tax dividend, at \$10,000.00 a head!

The children in foster care are NOT being PROTECTED by foster care.....they are being SILENCED!

Just try to get one of these children aside to speak with them, and you will have a dozen guns pointed at your head, that is the whole purpose behind "supervised visitation."

But on the other side of the coin, there were 7 children who testified against a Lawrence County commissioner charged with sexual abuse. The charges were later reduced. Eventually in court, those charges were dropped, because one child recanted. In every other case where a child recants due to a false allegation being extracted from the child, there is no exoneration for the parent.

There are too many children in the world today that truly are suffering from abuse and neglect, but are being left to die. Why? Because the truly abused child is not a marketable commodity, they're damaged goods. But if left to die at the hands of an abuser, these children are worth their weight in gold, and worth more dead than alive--so they are left behind, with their abusers, to do their part in the scheme of things.

They are not considered children; they are pawns, to be used for the benefit of DFS.

### **When a child dies of abuse, what is the first thing that one hears in the news media from Child Protective Services?**

- 1. "We need more money to hire more workers; we are understaffed and under funded."**
- 2. "We need more power to take the children without warrants and having to PROVE abuse."**
- 3. "We need absolute immunity for anything that we do illegally."**

**Far too many parents have been "railroaded" by the child protection system, but that train is slowly being derailed.**

**Think about It!! You, the people, gave them that power by believing their manipulatory lies.**

# Clinic targeted in audit

By Troy Anderson  
Staff Writer

**Wednesday, September 24, 2003** - Los Angeles-based mental health center that provides mental health services to thousands of children and adults misspent \$1.4 million in taxpayer funds, including payments for the former president's 1998 Land Rover and 1993 Cadillac Allante, an audit released today says.

Auditors also found employees who rang up charges at taxpayer expense for theater tickets, restaurant meals and \$17,702 in credit card charges for trips to Las Vegas, New Orleans, Georgia, Washington, D.C. and London.

Los Angeles County auditors began their investigation of Kedren Community Mental Health Center in 1998, after allegations were made by the agency's former chief financial officer that Kedren's former president and chief executive officer had fraudulently inflated program costs and transferred mental health funds to a for-profit subsidiary company that does not provide mental health services.

"We noted serious deficiencies in Kedren's use of and accounting for mental health funds," auditors wrote. "We were also able to substantiate two of the key allegations made by the former (chief financial officer)."

Officials at Kedren, which contracts with the county's Department of Mental Health to provide inpatient, outpatient and day treatment programs to mentally ill children and adults, could not be reached for comment Tuesday. In 1999-00, the agency received \$16 million from the mental health department for services it provided.

Auditors identified \$1.4 million in inappropriate or unallowable transfers of funds to non-mental health accounts, including \$285,611 transferred from mental health accounts to Kedren's corporate accounts and \$281,723 transferred to KIMSCO, Kedren's for-profit biomedical supplies firm. In addition, \$490,585 in mental health funds were used to pay for corporate loans and lines of credit.

The remaining \$354,768 consists of unsupported and inadequately supported payroll expenditures, vehicle and travel related costs and a number of credit card purchases that appear to be personal in nature, auditors wrote.

"In addition, we determined that the agency had inflated its 1998-99 cost report (used to develop the agency's reimbursement rates) by including over \$330,000 that was actually a required payback of excess profits," auditors wrote.

Auditors identified \$219,190 in unsupported and unallowable payroll costs, including \$170,000 in salary paid to Kedren's former chief executive officer in 2000. The officer performed duties for both Kedren and KIMSCO. However, her timecards indicated she worked exclusively for Kedren. Auditors also discovered \$29,712 in payments to a former Kedren employee. The employee told auditors she was a founding member and former board member. She said she was forced off the board in 1985 but has continued to be paid and acknowledged that she had performed only one six-week assignment since 1995 and could not explain why she continued to be paid.

Auditors also identified \$97,034 in unsupported vehicle costs, including \$41,058 for gas, oil and vehicle repairs that auditors could not locate receipts for, and \$54,276 in payments for the former president's 1998 Land Rover and 1993 Cadillac Allante, which did not include mileage logs.

"If Kedren is ultimately able to provide documentation supporting vehicle usage, the (mental health department) will need to further evaluate the reasonableness of these expenses, since both the Cadillac and Land Rover are luxury vehicles whose cost may be excessive," auditors wrote.

In May 1994, Kedren's medical director was given an expense account of \$1,300 per month in addition to his salary. The agency could only provide documentation to support how \$193 was spent. The remaining \$15,777 was spent on theater tickets and restaurant meals, mileage reimbursements and insurance-related costs.

Auditors identified \$22,767 in miscellaneous costs that were unallowable or unsupported, including \$17,702 in credit card charges made on behalf of KIMSCO for trips to Las Vegas, New Orleans, Georgia, Washington, D.C. and London, \$600 for two gift certificates purchased as a wedding gift for a Kedren doctor and \$4,465 in credit card payments for flowers, a car repair for the president's personal vehicle and truck rentals.



# Child Welfare System Must Grow Up



Tuesday, October 14, 2003 By Wendy McElroy

FOX NEWS

**The California child welfare system is such a disaster that even the state's Department of Social Services admits families are aggressively torn apart and children unnecessarily placed in foster care.**

California has announced sweeping reform. But the reform required is for "authorities" to act like adults and take responsibility.

In a September 25 press release, CDSS Director Rita Saenz bluntly assessed why the agency has failed. **"The original vision for supporting and healing families through the child welfare system has deteriorated into an adversarial and coercive approach."**

The result: In L.A. County alone, more than 160,000 children "came into contact" with Child Welfare in 2002; 30,000 are in foster homes — only one form of foster care.

David Sanders, head of the L.A. County Department of Children and Family Services, reports that as many as half of those foster children could have stayed at home with "appropriate services" rather than removal. Thus, an L.A. Daily News headline declared that children are being "rushed into foster care," where many remain.

Andrew Bridge of L.A.-based Broad Foundation explained why: **money.** **"The county will only continue to receive funding for the period it keeps the child in its care."** In various states, including California, **there is a "perverse financial incentive" to place and retain children in foster care rather than leave them in the home.**

**Thus, the first way authorities can take responsibility is to remove the financial incentive to destroy families.**

In a 2002 conference on Privatization and Government Reform, Laura Dykes explained how Kansas was reversing that dangerous trend — through privatization. "By giving contractors a lump sum, rather than paying them on a per-day, per-child basis, the perverse incentives are removed." As a result "adoptions have increased 78 percent since privatization, and the dissolution rate [adoptions that fail] is only 2.4 percent, compared to 12 percent nationally." (p.30)

There is a second way for authorities to become adults. **Those who receive a paycheck from the family court system have another "perverse financial incentive": to create and extend cases rather than resolve them.** Instead, the family courts should prefer the comparatively private and inexpensive alternative of binding arbitration whenever applicable.

The crisis of child welfare is not confined to isolated states. If it were, the Senate would not be considering a provision in the Welfare Reform Act reauthorization bill to make states accountable for undistributed child support funds. In 2002, almost \$660 million in child support payments never reached their intended recipients nor were they returned to payees. The funds "floated" as parents

were "forced to pester the state for every nickel and dime." Geraldine Jensen, president of the Association for Children for Enforcement of Support declared, "If a bank behaved this way it would go out of business."

This is my point. **State officials and policies should be held to the same standard of accountability — including criminality — as that applied to private businesses and individuals. They should be liable for their gross misconduct, including the filing of false reports.**

**This may require the repeal of legislation such as the Child Abuse Prevention and Treatment Act (CAPTA)** that offered federal matching funds to states with compliant child abuse programs. It offered huge financial incentives to uncover abuse while providing no checks to protect the wrongfully accused.

**CAPTA established the policy of encouraging false accusations while eliminating accountability. It encouraged the leveling of anonymous charges through such mechanisms as hotlines. It extended legal immunity both to child welfare workers and to false accusers whose gross misconduct might deeply injure children.**

The solution: Refuse to credit anonymous accusations; hold false accusers responsible for perjury; **make "child welfare" workers liable for misconduct on the same level as private individuals.**

What is the alternative?

In the wake of financial incentives without accountability, the number of children in nationwide foster care has doubled from 270,000 in the mid-1980s to 542,000 in 2001. (That figure does not include children who "graduated" upon turning 18.) Once removed to official "safety," these children are far more likely to suffer abuse — including sexual molestation — than the general population. According to the National Center on Child Abuse and Neglect, in 1998 six children per 100,000 population were killed in foster care compared to one per 100,000 in the general population.

For many children, foster care becomes permanent. In 1999, almost one in seven children in foster care nationwide had been there for three to four years; almost one in five had been there for five years or more.

The human cost of rushing children into foster care does not stop when they reach 18 years old. According to CDDS data, among youths who "emancipate" from foster care, **50 percent do not complete high school; 45 percent are unemployed; 33 percent are arrested; 30 percent are on welfare; 25 percent are homeless.**

**Foster care, as it exists, is often difficult to distinguish from child abuse.** Children deserve better, especially children from troubled homes. They deserve to have adults in charge — adults who take responsibility.

# New Federal Funds Available for Post-Adoption Services

Before its holiday recess, Congress extended the Promoting Safe and Stable Families program for five years and authorized a \$200 million annual increase. For fiscal year (FY) 2002, which began on October 1, 2001, Congress appropriated funds for a \$70 million increase. The increased funding was included in the appropriations bill for the Departments of Labor, Health and Human Services, and Education (H.R. 3061), which was passed on December 20, 2001 and signed into law on January 10, 2002 (Public Law 107-116). The Senate approved the House bill reauthorizing Title IV-B, subpart 2 of the Social Security Act (H.R. 2873) on December 13, 2001. In a ceremony at the White House, President Bush signed H.R. 2873 into law—making it Public Law 107-133.

With these laws, states will see a 22 percent increase in their Title IV-B, subpart 2 funds during the current federal fiscal year. In addition to increasing funding authorization, the law's language demonstrates a strong focus on post-adoption support services for families, stating that one of the four purposes of the program is to "support adoptive families by proving support services as necessary so that they can make a lifetime commitment to their children."

For a state-by-state breakdown of the impact of this increase, see the chart below. Column 1 shows the actual FY 2001 award.

Columns 2 – 4 are NACAC's estimates based on a state using 20 percent of existing and new funds on adoption.

Advocates had hoped that the appropriation level for Title IV-B, subpart 2 would have equaled the authorization level, but even without the full appropriation, the \$70 million reflects a 22 percent increase in funding for FY 2002.

This news means that states now have additional money available to use on post-adoption services during the current federal fiscal year. Now is the time to work with decision-makers to help them meet the needs of adoptive families in your state. NACAC has helped several states develop post-adoption programs and we are available to work with parent groups, agencies, and states to help them design services for adoptive families. For more information on model post-adoption services, call Diane Martin-Hushman or Joe Kroll at 651-644-3036.

Many states may be facing budget shortfalls in the near future, and advocates must work to safeguard the Title IV-B, subpart 2 funds so that they are used for family support services. It is important to note that states have until September 30, 2003 to spend Title IV-B, subpart 2 funds appropriated for the current fiscal year. [CFR 1357.32g: Funds (Title IV-B, subpart 2) must be expended by September 30 of the year following the fiscal year in which funds were awarded.] In this time when the country is calling for increased accountability and alertness, we must make sure that we hold governors, state legislators, and child welfare administrators responsible for using the funds on the families and children whom Congress and President Bush intended be served by these funds.

NACAC will work with a national coalition of child welfare advocacy groups toward fully funding the Promoting Safe and Stable Families program to the new authorization level of \$505 million per year.

## Additional Adoption Incentive Funds

Congress has again appropriated money to cover the shortfall in adoption incentive funds for increased adoptive placements.

Funding for the Department of Health and Human Services includes \$43 million for adoption incentive payments to states for adoptions finalized in fiscal years (FY) 2000 and 2001. This means that states should receive approximately twice as much in incentive payments as they have already received for FY 2000 adoptions. States must use these funds to provide children and families any service, including post-adoption services, that may be provided under Titles IV-B or IV-E.

## Title IV-B, Subpart 2 Funding

	FY 2001 Grant Award	FY 2001 Funds for Adoption	Additional Funds for Adoption	Estimated FY 2002 Adoption Total
Alabama	\$5,676,189	\$1,135,238	\$254,004	\$1,389,242
Alaska	\$578,120	\$115,624	\$25,870	\$141,494
Arizona	\$4,879,258	\$975,852	\$218,342	\$1,194,194
Arkansas	\$2,995,798	\$599,160	\$134,059	\$733,219
California	\$42,820,130	\$8,564,026	\$1,916,162	\$10,480,188
Colorado	\$2,558,014	\$511,603	\$114,469	\$626,072
Connecticut	\$2,435,537	\$487,107	\$108,988	\$596,095
Delaware	\$618,571	\$123,714	\$27,680	\$151,395
Dist. of Columbia	\$1,095,861	\$219,172	\$49,039	\$268,211
Florida	\$14,081,307	\$2,816,261	\$630,126	\$3,446,387
Georgia	\$8,972,963	\$1,794,593	\$401,532	\$2,196,124
Hawaii	\$1,395,807	\$279,161	\$62,461	\$341,622
Idaho	\$854,866	\$170,973	\$38,254	\$209,228
Illinois	\$12,156,022	\$2,431,204	\$543,971	\$2,975,175
Indiana	\$3,936,876	\$787,375	\$176,172	\$963,547
Iowa	\$1,772,922	\$354,584	\$79,337	\$433,921
Kansas	\$1,690,873	\$338,175	\$75,665	\$413,840
Kentucky	\$4,630,500	\$926,100	\$207,211	\$1,133,311
Louisiana	\$7,399,328	\$1,479,866	\$331,113	\$1,810,979
Maine	\$1,129,206	\$225,841	\$50,531	\$276,372
Maryland	\$4,345,321	\$869,064	\$194,449	\$1,063,513
Massachusetts	\$4,194,263	\$838,853	\$187,689	\$1,026,542
Michigan	\$10,076,821	\$2,015,364	\$450,928	\$2,466,293
Minnesota	\$2,973,941	\$594,788	\$133,081	\$727,869
Mississippi	\$4,542,968	\$908,594	\$203,294	\$1,111,887
Missouri	\$5,669,371	\$1,133,874	\$253,699	\$1,387,573
Montana	\$771,293	\$154,259	\$34,515	\$188,773
Nebraska	\$1,173,889	\$234,778	\$52,530	\$287,308
Nevada	\$1,042,018	\$208,404	\$46,629	\$255,033
New Hampshire	\$538,497	\$107,699	\$24,097	\$131,797
New Jersey	\$5,851,720	\$1,170,344	\$261,859	\$1,432,203
New Mexico	\$2,577,951	\$515,590	\$115,361	\$630,951
New York*	\$20,872,731	\$4,174,546	\$934,036	\$5,108,582
North Carolina	\$6,593,769	\$1,318,754	\$295,065	\$1,613,819
North Dakota	\$408,390	\$81,678	\$18,275	\$99,953
Ohio	\$9,593,174	\$1,918,635	\$429,286	\$2,347,921
Oklahoma	\$3,601,289	\$720,258	\$161,154	\$881,412
Oregon	\$2,679,320	\$535,864	\$119,897	\$655,761
Pennsylvania	\$10,963,891	\$2,192,778	\$490,624	\$2,683,402
Rhode Island	\$1,054,981	\$210,996	\$47,209	\$258,206
South Carolina	\$4,271,814	\$854,363	\$191,160	\$1,045,523
South Dakota	\$576,418	\$115,284	\$25,794	\$141,078
Tennessee	\$6,379,011	\$1,275,802	\$285,455	\$1,561,257
Texas	\$26,826,968	\$5,365,394	\$1,200,482	\$6,565,876
Utah	\$1,297,522	\$259,504	\$58,063	\$317,567
Vermont	\$531,165	\$106,233	\$23,769	\$130,002
Virginia	\$5,461,822	\$1,092,364	\$244,412	\$1,336,776
Washington	\$4,933,484	\$986,697	\$220,769	\$1,207,466
West Virginia	\$2,714,953	\$542,991	\$121,492	\$664,482
Wisconsin	\$3,113,707	\$622,741	\$139,336	\$762,077
Wyoming	\$349,495	\$69,899	\$15,640	\$85,539
Puerto Rico	\$7,386,246	\$1,477,249	\$330,528	\$1,807,777
Other Territories	\$903,649	\$180,730	\$40,437	\$221,167
Tribes	\$3,050,000	N/A	N/A	N/A
National Set-asides	\$16,000,000	N/A	N/A	N/A
<b>Totals</b>	<b>\$305,000,000</b>	<b>\$57,190,000</b>	<b>\$12,796,000</b>	<b>\$69,986,000</b>

Source: Column 1 is from the U.S. Department of Health and Human Services.

Columns 2–4 are NACAC estimates.

\*Amounts if New York claimed Title IV-B, subpart 2 funds

# My Letter to Troy Anderson, LA Daily News

**Thank you for your well written news articles on the subject of child protection.**

The people working in child protective services believe that throwing more money into the child protective pot will make child protection work better. It won't! We have enough funding to help every battered child and to help any family struggling with poverty, homelessness, addiction, mental illness, etc. The basic premise of this system needs to be changed. Most families should not be reported and accused in the first place. Innocent families don't need CPS agents coming into their homes. They object to being scrutinized because they are not child batterers. For this they are called uncooperative and suspicious and may even lose their children.

We need to end this system as we know it. Children are not better off in state care than they were in their homes. Children are dying in state care. State care is not making a positive difference in the lives of children and parents. We need to end state care except in extreme cases of child battery. Our own government statistics show that out of 5 million children referred to child protection, less than 1 million were found to be in need of services, more than half of them for neglect. Neglect is almost always tied to poverty. Employment assistance, affordable daycare, affordable housing, would all be proactive steps that could be taken to help the children and families in need in this country. (Please see [www.childprotectionreform.com](http://www.childprotectionreform.com) for stats and a link to the gov website).

We need to change "mandated" reporting laws to "responsible" reporting laws. We must make mandated reporters accountable for their reports and root out malicious reports. We need to get rid of the child abuse hotline and the central registry where parent's names are kept until their children are adults, even when there is no evidence of abuse. We need to end anonymous reporting. We need to base investigations on evidence rather than suspicion and speculation. We need to let the police handle child battery cases and process those responsible through the criminal courts where they will be entitled to a fair trial by a jury of their peers. We need to end the tactic of coercing every accused family into psychological counseling simply because they were accused.

Until these issues are resolved nothing will change. Families cannot wait another 5 to 10 years. This system is absolutely corrupt and destroys every family it touches. Something needs to be done to implement change immediately. I deal with hundreds of families who have lost their children and everything they worked for in the name of child protection.

I will leave you now with a letter written by a former foster mother, Mary Callahan, author of "Memoirs of A Baby Stealer: Lessons I've Learned as a Foster Mother" who recently staged a 4 day march and protest in the state of Maine:

## Letter to Governor Baldacci, December 8, 2003

My name is Mary Callahan, and several years ago I had a foster child in my home who was not allowed any contact with his birth mother. He had been diagnosed with Attachment Disorder and Dissociative Personality Disorder. The team decided that he would never attach in his present circumstance until he detached with his past, and that was our goal.

I bought into it. I even enforced it. When he asked about his mother, I said, "**Your mother is not a part of your life any more.**"

Then I had one of those moments of clarity you hear about. Mine was courtesy of terrorists flying planes into buildings, but suddenly all I could see was that we could all die tomorrow in a terrorist attack and I had a child in my home who hadn't heard his mother say "I love you" in a year. I knew that was wrong.

His DHS worker knew it too and gave us his mother's phone number. She went back to her office to call the other children on her caseload to give them their mother's phone number.

My foster son has since developed a very close relationship with his mother and that has done more to solve his behavior problems than all the years of counseling or any other tact we took to try to correct it.

What happened to me in that moment of clarity, that day when everyone was thinking about "what really matters" was that I replaced the junk science I was relying on with common sense.

And in these past five days walking across Maine, I have heard how a lot of common sense has been replaced by junk science. Then that junk science was used to justify actions that are not just wrong. They are cruel. Any unnecessary separating of parent from child is cruel.





Common sense would tell us that children behave better where they are happier and are destructive in a home where they don't want to be. But DHS says when children are destructive in their foster home after a pleasant visit with their birth family, it indicates that they are only comfortable being themselves in the foster home and they are demonstrating their negative feelings about the visit they just had. This bizarre logic is frequently used to stop family visits and even cease reunification efforts.

And the junk scientists tell us that a baby who rocks for hours in his crib is telling us he has been sexually abused, that it is masturbation. Common sense, even my nurses training, tells me that miserable children rock to sooth themselves and a child who has just lost everyone he knows and loves might need to sooth himself.

Sally Schofield said Logan Marr was the most "parentified" child she had ever seen because she was over protective of her sister Bailey. That term shines the light of blame back on the mom, Christie Marr, implying that Logan started playing the parent role in her birth family because Christie wasn't doing it adequately. Now that we know those girls were in an abusive foster home, doesn't it seem like normal behavior on Logan's part to have been protective of her sister? Why did DHS prefer the Sally's junk science explanation?

I know woman who spent four years going to Attachment Therapy with her foster child, trying to help her learn to make successful and long lasting attachments. Apparently they were too successful. The child was removed because DHS said they were "enmeshed," when that became the new buzzword. That child went on to six other placements in eighteen months and you can bet she is back to being diagnosed as attachment disordered.

Possibly the worst misuse of psychology is the labeling of all birth parents as personality disordered. I met one who was diagnosed as Narcissistic Personality Disordered because she was always well dressed for meetings, and another who was called Depressive because she didn't dress well enough. If they bring their family to court with them, they have Dependent Personality Disorder. If they come alone, they are too isolated. And if a parent gets too emotional at what is happening to their family they can be diagnosed as Histrionic Personality Disorder. If they are not upset enough, they must not care. And if they bring a stack of letters from teachers and doctors supporting their case, they are called manipulative, possibly to a sociopathic degree, to be able to fool so many people into thinking they were good parents

Then there is the ubiquitous "denial." Parents either have to agree that they are bad parents or they are in "denial."

These diagnoses may come directly from the DHS worker or they may come from a professional who is hired by DHS to make the diagnosis. There is one group of such professionals who have bragged publicly that "not one in one hundred" parents come out of their evaluation without a diagnosis.

Doesn't that mean the outcome is determined before the test is even administered? Isn't that junk science?

One parent who has become a friend of mine received a good parenting evaluation from a private psychologist, only to have DHS insist on a second opinion from the "not one in one hundred" group. He has been trying to get his child back for almost three years. He asks me to ask why the reunification process takes years when the deunification process takes 10 minutes. I hate to tell him because it will break his heart, but it is clear to me that he is never getting his child back. They have other plans for that child or they wouldn't be asking for the junk science evaluation.

Christmas isn't exactly September 11th. But it is a time of year that has most of us looking at "what really matters." We gravitate towards family and loved ones, vowing to put differences aside at least for the moment. I ask the caseworkers to put junk science aside and ask the kids what they want for Christmas, then believe their answer. Sometimes when a child says, "I want my mommy and daddy," it doesn't mean he has a trauma bond. It means he wants his mommy and daddy.

And to foster parents, I make this plea. Let it be Christmas for at least some of the 3,000 children who are in foster care in this state by opening your home to their real families, their birth families. Let it be Christmas for those imperfect parents who dress too well or too poorly, who have too much support or too little, who get too upset or not upset enough, because none of us is perfect. You and I probably wouldn't pass the parenting evaluation, but interestingly, we're allowed to have their kids without taking it.

**Mary Callahan**  
Let it be Christmas. Mary Callahan



## Dear Governor Arnold Schwarzenegger,

Across the United States, hundreds of thousands of families have been ripped apart by child “protection” bureaucracies and their hidden cottage industry cohort affiliates, the evaluators, therapists, special masters, commissioners, visitation monitors, mediators, etc.

Parents in such circumstances find that if they have been “hot-lined” — that is, reported anonymously by a dutiful citizen, teacher, or acquaintance or the huge list of “mandatory reporters, parents and their children enjoy none of the rights and immunities associated with due process, equal protection or God’s “inalienable rights”. The laws are ignored; bluff, threat and intimidation standard operating procedure. Acting in the “best interest of the child,” judicial officers/ss workers playing God can and often do terminate parental rights on a whim, with the wave of their hand, and order law enforcement agencies to enforce those whimsical decisions at gunpoint and/or with false imprisonment and fines.

I am a mother. I have tried to describe the emotions this endless nightmare; this long incredulous road to Hell evokes. I have described it as: having your heart slowly torn out of your body, then you are stripped, handcuffed, blindfolded, gagged, burned, flogged, spun round and round, sucker punched, kicked, spit on, and while you are reeling, “they” get off — poking you, laughing at you, delighting in your pain. That’s how “they” seem to get their “kicks”. You hear a mocking voice from out of the void worse than like death say, “NOW fight for your children.... Haha haha haha”. What just one moment, suffering the anxiety of separation, a torment of wrongful forced removal, then being stranded with strangers, having nothing comforting or familiar close by, does to a child can never ever be imagined, repaired or justified. There’s no way home to your warm soft bed. No safe place to lay your head.

Now, even more ominously, child “protection” agencies across the nation, following a totalitarian blueprint and fueled with taxpayer dollars, are seeking to create a compulsory “home visitation” system, through which agents of the state will be able to subject parents to regular scrutiny — and determine whether or not children, as “state property,” will be permitted to remain with questionable parents. Supporters of this concept have worked stealthily for nearly a quarter of a century to create a national home visitation network.

“We must remove the children from the crude influence of families,” Soviet Communist Party educators were instructed at a conference in 1918. “For the days are coming”. [Luke]

In California there are huge numbers of children taken by force, never, ever to return home. The following is “law” as a sick attempt at justifying this removal and torment of children taken from loving non-abusing families. “Verbal assault (belittling, screaming, threats, blaming, sarcasm), unpredictable responses (i.e., inconsistency), continual negative moods, constant family discord and double message communication are examples of ways parents may subject their children to emotional abuse.” Wrong, YES, but is it worthy of TAKING a child from their home?

Suspected cases of emotional abuse that constitute willful cruelty or unjustifiable punishment of a child are required to be reported by mandated reporters. This means a report must be made of any situation where any person willfully causes or permits any child to suffer, or inflicts on any child unjustifiable mental suffering. The basic goal of

prevention of child abuse and neglect is to reduce or eliminate the needless suffering that many children experience daily in California and across the nation. In most instances, the suffering experienced by the children is also experienced by their families." In reality, it is now the "child protectors" who are harming children and families, abusing each one.



When you were sworn in as Governor, you promised before God and all of California,

"I, Arnold Schwarzenegger, do solemnly swear that I will support & defend the Constitution of the United States and the constitution of the state of California and that I will defend the constitution against all enemies foreign and domestic..." If you weren't the incredible man, whose lifetime accomplishments are beyond belief, both heroic and yet simple, your four wonderful children could be taken at any time from any place with no reason given.

The biggest enemy to the citizens of the United States and the people of California by far today, is this insidious, deceitfully promoted, theft of the lives of children with the money of innocent taxpayers being used to fund these illegal and immoral practices. Those that knowingly and willfully commit these atrocious crimes and sins against our children and their extended circle of family and friends, are no longer "human" beings as the heart of human compassion has been forever abandoned when they sold their souls and our future.

"We awaken on a low plane, on a plane of defeat, beneath the level of possibility, overpowered sometimes by a general climate of hopelessness. Promise can even be viewed as unattainable, and into this morass of misery, a light shines, a light enters. Sometimes it's the light of one child smiling, sometimes it's a light of a person who dares to dream a great dream. Into this atmosphere of gloom and despair, day breaks, light emerges, flooding the grim meadow of misery with hope and promise. No doubt every person in this world has gone to bed one night or another with fear or pain or loss or disappointment or terror, and yet each one of us has somehow awakened, arisen."

"When we come to it, we this people on this wayward floating body, created on this Earth, of this Earth, have the power to fashion for this earth a climate where every man and every woman can live freely without sanctimonious piety, without crippling fear."

**Please Governor Arnold; please Ms. Schwarzenegger, educate yourselves to the reality hidden behind propaganda spewed forth by monsters grabbing at federal money, power, while destroying the happiness, freedom and peace of our children. We respectfully request that you order a Statewide Investigation /Audit of CPS – and the Juvenile Court system in each/all of our California Counties. The suffering affects all our communities.**

We pray for your family, for your children, Katherine, Christina, Patrick and Christopher; for "your" kids involved in 'Arnold's All-Star After-School program' in LA, as well as for those involved in the Special Olympics. We support you "with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor." Please apply your special abilities to this epidemic of suffering of all of our children. TERMINATE these creatures abuse of power. You, Governor, are our light.

*On behalf of thousands of parents and their children*



*Visit these websites for more information, and to network with other parents who are victims of the system.*

[www.familyrightsassociation.com](http://www.familyrightsassociation.com)

[www.the-facts.com](http://www.the-facts.com)

[www.theacf.org](http://www.theacf.org)

[www.fightcps.com](http://www.fightcps.com)

[www.syc.org](http://www.syc.org)

[www.suecps.com/new](http://www.suecps.com/new)

[www.parentnews.net](http://www.parentnews.net)

[www.generationlost.org](http://www.generationlost.org)

[www.familyinjustice.com](http://www.familyinjustice.com)

[www.avoiceforchildren.com](http://www.avoiceforchildren.com)

[www.poormagazine.com/index](http://www.poormagazine.com/index)

[www.cpswatch.com](http://www.cpswatch.com)

[www.cchr.org](http://www.cchr.org)

[www.caseassist.com](http://www.caseassist.com)

[www.allencowling.com/](http://www.allencowling.com/)

[www.abuse-excuse.com/](http://www.abuse-excuse.com/)

[www.falseallegations.com](http://www.falseallegations.com)

[www.cvsa1.com/index.php](http://www.cvsa1.com/index.php)

[www.familiesatrisk.com](http://www.familiesatrisk.com)

[www.liftingtheveil.org/](http://www.liftingtheveil.org/)

[www.childrensjustice.org/](http://www.childrensjustice.org/)

[www.childprotectionreform.com/index.html](http://www.childprotectionreform.com/index.html)

[www.nccpr.org/about/index](http://www.nccpr.org/about/index)

[www.cwla.org/default.htm](http://www.cwla.org/default.htm)

[www.sos-fosternet.org/index1.html](http://www.sos-fosternet.org/index1.html)

[www.jail4judges.org/](http://www.jail4judges.org/)

[www.donttakeourkids.com](http://www.donttakeourkids.com)

[www.oregonfamilyrights.com/](http://www.oregonfamilyrights.com/)

[www.profane-justice.org/html/faq.html](http://www.profane-justice.org/html/faq.html)

[www.dss.cahwnet.gov/cdssweb/default.htm](http://www.dss.cahwnet.gov/cdssweb/default.htm)

[www.webup.net/net/let-my-children-go/](http://www.webup.net/net/let-my-children-go/)

### *Parent Support Groups*

<http://groups.yahoo.com/group/cafra/>

[www.WETHEPEOPLEOFKY@yahoogroups.com](http://www.WETHEPEOPLEOFKY@yahoogroups.com)

[www.VOCAL\\_NEWYORK@yahoogroups.com](http://www.VOCAL_NEWYORK@yahoogroups.com)

[www.Michigan\\_victims\\_of\\_CPS@yahoogroups.com](http://www.Michigan_victims_of_CPS@yahoogroups.com)

[www.Justice\\_For\\_Families@yahoogroups.com](http://www.Justice_For_Families@yahoogroups.com)

[www.fightingthesystem@yahoogroups.com](http://www.fightingthesystem@yahoogroups.com)

[www.subscribe@yahoogroups.com](http://www.subscribe@yahoogroups.com)

[www.fosterparentallegations@yahoogroups.com](http://www.fosterparentallegations@yahoogroups.com)

[www.Falsely\\_Accused@Yahoogroups.com](http://www.Falsely_Accused@Yahoogroups.com)

[www.cpsabuse@Yahoogroups.com](http://www.cpsabuse@Yahoogroups.com)

[www.Childprotectionreform@Yahoogroups.com](http://www.Childprotectionreform@Yahoogroups.com)

[www.AFRA\\_HelpLine@yahoogroups.com](http://www.AFRA_HelpLine@yahoogroups.com)

[www.groups.yahoo.com/group/child\\_neglect\\_abuse/](http://www.groups.yahoo.com/group/child_neglect_abuse/)



Proud Member of



American Family Rights Association

