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Senate Family Law Review Task
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Senate Family Law Review Task Force
Public Hearings, September 20-21, 1990

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(Please note: due to technical difficulties, much of the testimony was very difficult for the transcribers to understand.)

SENATE FAMILY LAW REVIEW TASK FORCE

HEARINGS - SEPTEMBER 20-21, 1990

ANCHORAGE, ALASKA

SENATOR COGHILL:

We'll go ahead and call the task force to order. Let the record show that Senator Coghill, our special assistant Kathleen Putman, and our legislative aide, Edie Alexander are present. Rep. Furnace will be here at about 11:00, and Senator Fischer is going to be here tomorrow. This segment of our Family Law Review Task Force is basically to take a look at the laws, the procedures, personnel and referring agencies, the Division of Family and Youth Services, Child Support Enforcement Division, and Guardian Ad Litem programs and all of the related issues to the family, the protection of the child, the protection of the family. And at this particular point we're going to take oral testimony this morning and we will take any written testimony. And the idea that we're trying to do here is to find out if there's some areas that the procedures, the regulations, the laws, and the statutes that relate to this subject need to be amended or changed in order to protect the family, as well as protect the child. And with that we'll go ahead and open the testimony. And we have Mr. Webb with us, Russ Webb, who's the director of DFYS. DFYS means the

Division of Family and Youth Services. And Russ, welcome to our task force. And like I say, what we're trying to do is to understand the process and we're trying to help the agencies to be able to be more effective, more efficient, but at the same time take a look at how we can protect the child and the family.

RUSS WEBB:

I appreciate that. Thank you for inviting me here. I'm not sure exactly of the _____ of government. What I will try to do is give you an overview on the Division, and what we try to do and I'll answer some questions if you got some. DFYS has been in existence essentially in one form or another since before statehood. Our child welfare agency, in its present configuration, has been in existence since 1980 by decree. Our mission is to protect children, make certain that they're safe, and protect elderly _____ adults in using transportation and to rebuild in some type of _____ process. We operate from 36 field houses statewide and 5 youth facilities providing detention and _____ treatment services for _____ kids. We serve annually about 20,000 Alaskans, approximately 15,000 of those are kids are _____ parents and families. Every year we move out 8,000 _____ investigations and approximately 7,000 of those

_____. If you could give me some guidance in terms of how you'd like me go about our work.

SEN. COGHILL:

Russ, what I think I'd like to have you do is one of the perceptions or complaints from the discussions that come to the task force is that once a client, child or a family gets into the system, they can't get out. And maybe walk through the a normal case.....

RUSS WEBB:

Sir, I'll try to do my best.

SEN. COGHILL:

You know what I'm saying. Walk through it and say where is finality. Is there a finality, or is it forever and ever.

RUSS WEBB:

Let me explain a little bit about what our goal is. Our goal primarily is to make certain a child safe and to make certain to the greatest degree possible, whenever possible, the child will be safe in their own home, their own _____. Sometimes that is not possible. In those cases we are mandated by law to, you know, to keep the child and provide services to the child and to hopefully, they will be united, but if not possible, to

get the child in a permanent safe home, an adoptive home or foster home. Normally, we get a report fromcertain people in the state who are mandated to report social _____; police officers other _____. We get somewhere in the neighborhood of 10,000 of those and _____. Those come to us by _____ primarily and we go through the process of screening those to get the facts. What is the allegation, who is the child, who are the parents, where are they located, what's the allegation of harm. All of the facts as they are reported to us. Our responsibility is to assess those to make some determination about what's the appropriate course of action for us to take on the basis of those facts. We follow through with an investigation then, I'll tell you that there are certain _____ resources got prioritized investigations_____ respond to those _____ in the courts where the child has been _____ first; and the lesser levels of danger _____ so that we get into those where there's a level_____ for the child. Our investigation process entails a minimum of contact face to face with the child and with each of the caretakers of the child, and any _____ persons who may have information that will help us to determine what the _____ medical harm to that child is. It will give us the ability to assess whether or not the allegation is in fact correct. There's a basis for is

the child you know in danger of harm. Once that determination is made, after we assess the level of risk, when all of the outlying investigation has been received of additional information then that responsibility of _____ the child is medium danger, statutorily we're required to, if the child's in immediate danger because of the _____ immediate medical attention because _____ physical harm so that _____ sexual abused. Its our responsibility to take the child into our custody and see that they get the medical attention that is required. Say the situation does not warrant immediate custody, but nonetheless there is level of danger, _____ presenting the facts to the court and the parents of the child involved are participants in that court process. Each has the right to legal representation during that process. The process is really one in determining the truth of the allegation based on available evidence. And at that point _____ as to whether or not the type of disposition. First of all you have to determine whether there is fact and sufficient evidence that to what has occurred. If there isn't the case is dismissed as to _____. There is a disposition at this point, our job is to determine a plan that can provide the safety first of the child and also rehabilitate or reunite the family. Essentially identify those facts presentable in a

_____ of the child. And help the family alleviate those. We provide the services again to make sure that parents are able to protect the child and that the child is safe in the home.

SEN. COGHILL:

Do you have..is it at that particular juncture, Russ, is there a program within your division that has a family rehabilitating program that says, you know, if this excessive drinking or if there is excessive emotional problems, is there a program kind of _____ the others so that you get them back together?

RUSS WEBB:

Let me sort of explain here that once _____ our job is really to do the investigation piece and then to provide some services, some counseling services to the parents, as well as to coordinate all the other services that are available. For instance, we don't try to provide _____ alcohol rehab. We wouldn't_____we'd identify a place where they can receive that treatment, and if we have the resources available, help to obtain treatment if possible. We have a limited ability to do that. I think _____ about that. But our job primarily is to help the parent in planning. I do find the issues of _____ to be resolved. Help them plan for resolving them, help them

coordinate the services that they need to do that - both the parent and the child. So our job is more of a coordinating one _____ should that go beyond the investigation and direct certain provisions_____.

SEN. COGHILL

I realize that you direct them into the alcohol program - direct them someplace - what I'm trying to lead to is if you have a problem, as director of your organization, you have a way of moving a situation through the system so you can get to someplace where there's a ____ to family _____.

RUSS WEBB:

That's the goal in every case. And our job really is to try to identify those things that are problematic events. Or if alcohol is a problem in places of child abuse, its our job to try and identify that and make certain that the parent recognizes that and seeks and obtains whatever necessary treatment required to help them overcome that problem and resolve it so that they can come back to provide the level of care that they will have to provide for the child - that the child will be safe in the home. I'll try to point out key issues that I think maybe the _____. There's isn't a great deal of discussion about sexual abuse as an issue in Alaska. I tell you that is a big issue. And

issue on several accounts. We've about 15-18% of children that we serve that have been sexual abused. About 15-18%. That's on a continuing basis. Its grown somewhat over time over 10-12 years ago, where then it was around 10%. Its about 15-18% today. _____.

That's, that has ramifications throughout our system and places a great deal of stress on the service system and the child protection system, as well as the delinquency system. What we are seeing in this state, I think it exists nationally _____. Kids who have been sexually abused are at greater risks. Of number 1, they require treatment services so we immediately have the responsibility as the state to help those kids over the trauma and to try to help them reach their full potential. Those particular services are long-term and costly. We also have and its clear the greater number of kids who have been victims of sexual abuse become sex offenders. Most of the adults, and we're clear about this, not every child who is sexually abuse becomes a sexual offender, but of the group that are sexual offenders, there is as adolescents or adults, the vast majority of those have been sexually abused. What that means in the long term is quite a few things. The kids who the parents sexually abuse, they require long-term treatment. Those who haven't received long-term treatment become sex offenders either as juveniles or adults cost the society enormously in a

number of different ways. As offenders they victimize other people. They also end up, because we don't have a good comprehensive treatment system for those adolescents particularly, but I think also for adults, they end up overcrowding not only our juvenile corrections system, but our adult prison system. Its my understanding that, I don't have exact facts and figures, but its my understanding that a substantial portion of our adult prisoners in our prison system today are sex offenders. I can tell you there's a growing number adolescent sex offenders.

SEN. COGHILL:

Are you suggesting then Russ that maybe what we need is a halfway house type thing, instead of the correctional centers, that we need to, those people, in other words like so many of our young offenders they get into the hard core prison and they are not rehabilitated but they're deabilitated.

RUSS WEBB:

With some I think that's true. For others there's a need for those one's to be securely held because they are, they do present danger. But I'm really suggesting is that we need the resources to provide treatment to kids who have been sexually abused early on to prevent them from becoming sex offenders. Those that we

identify as sex offenders, we need to continue the treatment with resources available to those kids so that they may not need to be locked up. But those who are locked up ultimately I think we know that those are going to be released. And something of what we need to be sure is when they are in fact released and have received treatment they have a place where they can be supervised when they get out, so we can provide services that continue their treatment, till we're certain that they can be safely in the community. And preventing those kids from becoming adult offenders. I've seen some figures that will say that, where adult sex offenders who were _____ and they victimize in excess _____. Juveniles that, they discover juvenile sex offenders, the number of victims they had— as a juvenile will obviously be less and _____. Clearly if we can target resources to provide the continuing care for those kids, we're going to save ourselves an enormous amount of money as adults, and they'll also save a number of people who might otherwise be victimized by these people and an enormous amount of _____. So I guess what I'm suggesting to you is that we need a continuing care for victims of sexual abuse and adolescent sex offenders so that we stop the cycle, stop people from being victimized and we may very well stop them from victimizing other people. We don't have _____ the

present treatment as for juvenile sex offender. In this state we have about 200 juvenile sex offenders in our system now. Some of those kids are at McLaughlin Youth Center. They are now beginning to cause us some backlog in the McLaughlin Youth Center because there's no _____. They _____ the treatment involves a much more longer time. Nearly twice as long as other _____.

SEN. COGHILL:

Does the McLaughlin Center, the treatment center there, is it monitored and rated by your agency, by your _____.

RUSS WEBB:

It is run by our agency as far as conditions.

SEN. COGHILL:

I mean is it monitored and rated? Do you have a special group that monitors the effects that you're having there?

RUSS WEBB:

Oh, that's, well, okay. We do not - we obviously look at what's happening. We don't have the research capability at our agency to look at the long term effects and how effective is our treatment services. Those are not _____. We obviously are interested i

that, but we don't have the resources to do that. In terms of our child abuse investigation, I think there is some real serious _____ there and I can explain a bit about some of those. To understand how our system and how it works, the way it works, its important to understand that our caseloads or workload right now about 1½ times what a standard workload would be. Under those circumstances, I think its real clear that the likelihood that our staff _____ the status to _____ the likelihood, our ability to provide the quality of services to everybody concerned is much lower than desireable. So that we're not able to do the kinds of things that I think we know we need to do and want to do and I think the public demands of us to do to help families to resolve their problems and make sure the kids get back home sooner. We end up with kids I think in our foster care system or residential care for longer periods of time because we don't have the capability to get them back home and provide the kind of services that we need to provide to get them back home safely. We can't solve the problems at home and make sure that they return home safely until we have _____ a longer period of time. That is not desireable at all either for the public or for us. But its a reality and that's, that's the one that we _____ takes long-term. We have been understaffed for years and there are several factors that affects that.

During the period of the late 70's and early 80's, we had a significant population growth in this state. And that's resulted in substantial increases in the numbers of reports of child abuse and sexual abuse. In addition to that I think _____ our society grew up in _____ and knowledge of child abuse and people are more willing and more able and more understanding to report child abuse. What we need to do, I think, as a state was budget for that. We needed to focus our resources to respond to that. I think it caught us all by surprise. By the time we began to _____ the legislature has tried to do that in the last few years. The big money had gone away by that time _____ causing crunches and its hard to do. We've never been able to catch up to that. And we're not at this point, yet able to provide the quality or the availability of services statewide that we'd like to provide for the _____. So we run into, I think, an inability to respond as quickly as the public would like to have us and the inability to provide the level or quality of services that the public would like to see us provide. And I think that attributes to some of the dissatisfaction on the part of the public of the service that we provide. I know it attributes to complaints when we've got a staff we have to juggle everyday and make decisions about do I go out and do an investigation or report of harm, or am I, should I

contact this parent and try to resolve a situation here. They're almost always going to go out and do an investigation to protect the child. But that leaves us with an inability to meet the needs of the kids and parents and to get them reunited. That's one I foresee for awhile yet in this state. _____.

SEN. COGHILL:

Russ, is there any, as I understand _____, is there support groups out there that you can, religious groups, Salvation Army, I don't know that....

RUSS WEBB:

There are a number of groups that.....

SEN. COGHILL:

....that can help rather than get it into _____. I understand what you're saying being as we have to try and look down the road and devise a system that's going to work, that's going to fill the needs, that's going to give you the tools to get the job done. But at the same time you get so wrapped up in your mission that you forget or it doesn't come to the surface that there are other competing concerns out there.

RUSS WEBB:

Let me assure that I hear about those competing

concerns on a daily basis. They virtually are never out of my mind. Yeah, we have done a number of things. This year, in fact in May, we had to do some planning to provide the opportunity for a number of groups to participate in that process. What we've essentially asked is to have representative of a variety of interest groups in this state to join with us and make some recommendations to us in the long-term on how to make some improvements to aid the DYFS. Part of that process has involved, its been real good in developing good relationships with some groups. I met yesterday with a gentlemen _____ Alaska Native Support Group in Fairbanks. One of the things that on this direct offshoot are planning process was to let them participate in that planning process. _____ on that, he'd made a suggestion to me that perhaps his group could establish coordinators and in an effort to work with their members to help try to resolve issues or complaints or problems that they see with DFYS and I agreed yesterday to establish those and to help them _____ to meet our supervisory staff in Fairbanks as to coordinate any _____ till we can get other groups involved. And work through a complaint resolution process so that anyone of this group's members has a complaint, that they don't feel is resolved, can go to him. He meets with them and our supervisory staff to work out resolutions in the

process of the complaint. And I think that will solve some of the problems in the long term.

SEN. COGHILL:

Russ, and I think that that's partners with volunteers. I, in my experience with the length of the alcohol programs, we're very meaningful in our approach to a lot of these alcohol programs, but obviously the volunteer AAA system is the one that's universally has worked. And I guess I need to ask you a question that, and I, you know, when we start getting into reports of abuse. Is there a system where, is there anything in the system where there's a hearing review process where that the person that's accused is brought before a panel within your program to see if that is a factual accusation?

RUSS WEBB:

That really occurs in the court process. We're not really in the position to be judges. _____ but we are in the position of doing the investigation, trying to gather the facts, and then presenting those in _____ of evidence, presenting those to the court system. That process exists. There other processes that we established that don't look at the factual basis, cause that's really an important determination, but when a person has a complaint of how we have acted, whether

we've followed our policies and procedures or whether we've done an inappropriate thing, we have established a grievance resolution process, sort of a form of process kind of like you described. There's a panel of people from within the Division, as well as a person that is not a Division employee, someone from the community, sits on it to listen to essentially both sides of the story. If there's a complaint about a worker, that panel will listen to the complaining party and to the person who's had _____ complaints of ours, as well as the facts as seen by our staff, and make some sort of a recommendation about a resolution to that.

SEN. COGHILL:

I guess, I guess I'm trying to in asking that question, trying to see if there is some way or other we can find out if there's a validity of the charge before it starts going into the system for grievance and stuff like that. Let's use - let's just say Mrs. X is called up at school and said the teacher had found a bruise on your daughter's arm and that we have called the social worker and bam, you're in the system.

RUSS WEBB:

You're not entirely in the system. What you've begun there is the investigation process. You're not yet in the formal court system.

SEN. COGHILL:

Yeah, but the problem is is that they take the child.

RUSS WEBB:

Well, on the basis of that, not yet, no. What we would do and getting us back to our process, we would interview both the child and the parent. And we would try to uncover the facts.

SEN. COGHILL:

Immediately?

RUSS WEBB:

That, well, that gets to our ability to respond. We have to prioritize our investigations based on the level of danger to the child. So that if you got, for instance, an allegation that there's a bruise on a 17 year old boy who's 6'4" or an allegation that an infant has a skull fracture, I can tell you which one we would respond to first. Okay. And we've got a system for doing that - for determining, based on what the facts are, which one of those we'll respond to. The ones that are highest priorities we respond to within 24

hours. Others, maybe 72 or 7 days. And that's just based on our capacity to respond. So, at any rate, once we determine what the allegation is, what the likely danger to the child as based on the allegation, we make first the determination about whether or not we believe there are sufficient facts to warrant an investigation. Second, if we believe there are sufficient facts to warrant an investigation, we prioritize so we make the determination about how soon we need to respond. What's the level of risk, if there's any, to the child and how quickly do we need to get out there to check and see if that child is safe and what the basis is.....

SEN. COGHILL:

Do you, like for example, we're using this school thing as an example and Suzie is in 3rd grade,____, do you then have your, the social worker goes to the school and immediately calls the parent. The parent meets then at the school and....

RUSS WEBB:

It would depend on the allegation. If, for instance, for a bruise, we may not. We may visit the child at home, depending on what the circumstances are.

SEN. COGHILL:

To find out what the condition is and

RUSS WEBB:

Right. We may also do it at the school too. But if the child has said, for instance, to the teacher you know, mommy and daddy hurt me and I'm afraid to go home, we would probably go to the school at that point. You know, if the child was giving a different story, we may go to the child's home and interview the child there at the same time. Depends on the circumstances.

SEN. COGHILL:

I'm just trying to determine if there's some safety valves here so Suzie, who is told that she couldn't go to her friends house and stay overnight, so she gets irritated at her parents, so the next morning she comes in and fabricates a little story and wham you're into the system, and probably determine that these are...and I'm not trying to short-circuit the system, because if there isn't true abuse, then it should be taken care of. Have we got checks and balances there so as these, we've got a buffer there so you can determine, or your enforcement people can determine....

RUSS WEBB:

That's really part of the process that our people needs

to be trained, and well trained, to be able to sort through the facts.

SEN. COGHILL

Is that part of our problem in the system? We don't have properly trained people?

RUSS WEBB:

It has been. Over a period of years we, back in the mid-80's, our training budget went away and we had no training system at all. The last couple of years we've been allowed to get substantial, to gain some additional federal money and we've established a training system, and I think a _____ training system in the last two years. Unfortunately, its the only training we have for our people in that we've been able to establish a full curriculum of courses for a child protective service worker. We don't have money yet to establish the same kind of curriculum for probation officers, juvenile probation officers and youth counselors at our facility. So we're only halfway there at this point. But at least we're much better off then we were, I think, and we're beginning to see the impetus of that with the government system back in place. Last year was the first year we really had training in place, and trained all of our existing staff and now we're training our new staff as they come

in. But I would be less than truthful if I told that over a period of years lack of training did not cause us undue problems cause it did. I think that we're at a point where we're beginning to address that now.

SEN. COGHILL:

Do you also have a checks and balance then in you know, there's four or five checks and balances things as I read of this business, and believe me, you forgot more than I'll ever know about this system. But, I think that we've got some dysfunctional problems within the system that maybe its training, maybe its having more communication between the social worker, maybe its a, you know, you got to use a buffer here, and there has to be a checks and balance between them, for the overzealous and the like - for example, the custody problems that you get into when you have a broken family. You know, and the kids start playing one against the other, or a parent starts playing one against the other. How do you folks keep the equilibrium in that situation?

RUSS WEBB:

Let me tell you that that is tough. Its tough for our staff, particularly those contested custody cases. We don't really have a mechanism to get involved in those except when there is an allegation by one party or

another that is, or according to the child. Otherwise, we are not involved in the custody cases. But, they have a number of instances and increasingly there are a number of cases, of which our staff have identified false allegations being made by one parent about another, or those kind of things. What we have to do is use our system. And we have a good system in process. The procedures in place and the checks and balances internally. What our staff do is review at the supervisory level as well, _____ you know those kinds of things are there. It has been in the past our inability to carry out our policies and procedures that cause us real problems. Where you're understaffed, you don't have sufficient supervisors, you do have cases where you've got, you know, _____ or 12-13 social workers supervised by one person. That's not only _____ . So,...

KATHLEEN PUTMAN:

Is that your normal staff/supervisor ratio is about 12?

RUSS WEBB:

I honestly can't tell you what it is right now. I can tell you that in places in the past, _____ than that now, but if I guess it would be probably somewhere around 7 or 8 now. One supervisor and 7-8 social workers, I guess. And it varies from place to place

for _____ and we're talking an average, which don't necessarily give you a true story, but...anyway I think that area is a problem in that if you're not staffed at a level that allows you to use the checks and balances that you put in place, you run into problems. And I, you know, we definitely have had some of those problems in the past. You know, we're, I think as the system is improving, we still have a ways to go. And we're certainly not at a point where we can skate free, but I think we're getting there all the time.

SEN. COGHILL:

I think, in what I'm hearing...I guess I'm still a little confused...Russ is too, for the purpose of this review that we're trying to get is we go through the steps for the entry or the before we get into the system or before we get into the courtroom - is there a way that maybe we can devise a preliminary peer review or parent/social worker review or is there any way instead of taking the child from the family, that the child can go to the next of kin - to - I'm thinking about village Alaska now. I guess I have to change my view that when we get into to the larger community, that's a whole different set of circumstances than the villages. But is there a way, Russ, or do you see some hitches and - I understand that resources and dollars and I understand training - I think that that should be

probably one our biggest problems to control. When you go into the system you might not necessarily have the proper training. Is there a checks and balance so that you don't get the system involved in a family squabble or where a child is _____ or...do you understand what I'm trying...

RUSS WEBB:

Yeah. I'll try and respond and see if I can get where you're trying to get. There, you know, our workers hopefully are trained, but to try and sort through some of those situations it might be nice, but when you've got a false allegation, that often times a real difficult thing, cause there might not be good evidence one way or another. What we've got in place internally is a system where there is a supervisory review before a petition is filed so that you know what's going on. And there's, unless the child is immediate danger of harm, you're not going to take them into custody. And we'll try to work with the parents to resolve any issues before we ever need to get into the courtroom law. If we can get due cooperation from the parents and be sure that child's going to be safe, all we may need to do is to get that parent set up and referred to the appropriate services, and not interview any further. And we do that all the time. In most cases, we do not go to court. Most cases we don't file a

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Or where you have a system where your enforcement people ask them why?

RUSS WEBB:

Right. Our, our responsibility is first to see why the kid ran away from home, what are the causes. Many kids run away in custody divisions, but some run away from home for other reasons. So its our goal when a child seeks service from us or is referred to us as a runaway, to determine what's the reasons that child ran away from home, and to see if its not reconciable and send the kid back home. It is _____ is safe off the streets and that we begin to work with the family to resolve those issues and the kid can move back home. The problem that we run into, and I don't want to sound like a broken record, but....

SEN. COGHILL:

I'm used to it.

RUSS WEBB:

Okay...I'll go ahead then. Where you don't have sufficient resources, runaways are often times lower priority than the younger kids and we don't have the capacity to put those kinds of family resolution processes underway. Covenant House for instance provides a safe place for the kids to be for runaways.

You _____ you then provide some service for, to try and reconcile the families. You've got other non-profits who do that in other places. But that's a key element. And we have that piece in place so that we have a system of services to refer parents to. And that one has been I think not adequate near to the level. Parents need to have a place to turn. And that's a good one, because its a good place for people to go before they get into our system. Before people are able to resolve problems, or before they are, before we ever receive a report of harm, you're better off in the long run.

SEN. COGHILL:

And do all of the complaints go through the DFYS system, or is there, do you have competing entities out here that circumvent some of your - crisis shelters for example.....that type of thing. Is there a linkage there that brings these together? Because I have some real problems with some of our well-meaning programs that we have quadrupled our efforts going towards trying to resolve the same thing. And maybe we need to start bringing some of those together.

RUSS WEBB:

At this point, the legislature - in its wisdom last session - made some changes in the law that makes

certain that all reports of harm to kids come through the DFYS. Previously some had got to police agencies and some got to DFYS. They now come to us as a single point of contact. We refer those that are reports of harm to the child by someone other than their parent, caretaker, to the police for custody. So...

SEN. COGHILL:

So, there is no circumvention, it goes direct to the Family Court System then.

RUSS WEBB:

Not to my knowledge. There's not a mechanism for that to occur so far as I know.

SEN. COGHILL:

I guess that's my question.

RUSS WEBB:

Yeah, I think we're pretty clear on that.

SEN. COGHILL:

It just seems broad and we could probably talk all day on it.

RUSS WEBB:

I don't want to take your time.

SEN. COGHILL:

Right. And I understand what we need to do....

RUSS WEBB:

Well I know you do have other people to testify and I.....

SEN. COGHILL:

That's right. And what I'd like to do if at all possible, for you to - but what we can do, we've got lots of time, but I want to get back to our first person, what I'd like to do is, if its possible for you to kind of, either you track this, or have somebody track this so we will have questions later on maybe that we can ask after the testimony.

RUSS WEBB:

Sure. Kathleen knows our contact. As you go further on in this process, I can certainly can keep in contact with you. Thank you.

SEN. COGHILL:

Thank you. We'll go back to our first person that's on our agenda. Emo Portchelli (ph)? You heard the opening Emo. My opening statement. You know why we're here. You know what our process is and we certainly appreciate your taking the time and coming forward.

This is the process that makes government work is to try and find out when a system, when a government system gets involved into the family, how do we come to a final conclusion? How do we - what is the experience and that's the reason why we have these hearings and this task force, is to not listen to the professionals or just to the agency, but to get to the core of the problems that the constituency or the people out of the system are concerned about, the facts. State your name.

EMO PORTCHELLI:

My name is Emo Portchelli and I am a resident of the Palmer area. First, I did want to thank you as I'm sure a number of people are, for holding this type of a quorum for the private individuals, as well as the agency representatives to bring forth any significant information. What I wanted to try to do today was to both directly and indirectly address subjects of interaction with the various agencies or governmental sectors dealing with family law and then focus in, to some extent, more specific family case as an example of interaction with the system in general. Recently, earlier in the year, my own family became quite heavily involved in a dysfunctional state. My wife, particularly, he made the choice to end our marriage _____ and the daughter from the home and so on. And that

was, to what you said before, inconsistent. Since that time, I've had the opportunity to not only become involved in great detail with my whole family situation, but to a similar extent with similar matters with other families. And have become involved with several organizations to begin to try to pull this, some effort _____ on family law matters of Alaska in general. One of the things that I found since March of this year when my whole family matter brought forth a divorce action this year and child custody matters coming _____ was that there seems to me, initially to me, relatively little opportunity for a member of the family _____ to have access to, ready access to guidance and advice as to the best direction to take - whether it be to try to reunite the family after a dysfunctional state had developed, or to work them, particularly work within the system that's in place, and essentially trying to work through that system. One of the things that I found personally in March and April and May of this year was that it became quite difficult to try to simply find a mechanism and have an interim in which to convey - in my own family matter. There were some significant problems that needed to be discussed beyond just the surface of the condition. I found that in contact with the court system and the custody investigator's office particularly, that there was not only with my family, but with several others

there for him to deal with. I had an opportunity of discussing the matters in detail, I found that the court system, custody investigator's office, the DYFS, over a period of several years tended to gloss over family matters as opposed to more thoroughly investigating allegations, accusations, and so on. And I'm finding too, as late as yesterday, in trying to convey to the court specific points of information in my case and that of other families, I'm finding blanket refusal to hear the details of the _____.

SEN. COGHILL:

Why is that? Is that because they have it too structured? Is it because they, the court, or they the family-Division of Family & Youth Services, that they're system is too structured? That it doesn't allow for case by case input of information?

EMO P:

I think to some extent that is correct Senator. However I think, speaking for the moment to this one,.....

SEN. COGHILL:

I mean I don't want to get you off this....

EMO P.:

No, that's fine. Its probably well....I think the situation that I was involved with and a number of families that are involved with similar situations, is one where I think on hand the complaints that we're hearing about the agencies and the court system to an extent are valid. On the other hand we're finding that there tends to be a situation, particularly in the court system and DFYS, and the custody investigator's office from the court, to do less than any thorough job. One of the things that I would ask you to do on your own time when you have greater time, is to review that case document that I've presented to you. And when you have the time to do that, I believe you'll find there that you can draw a fair perspective on where the court system, in terms of judges, custody investigators office, DFYS, and other support and social service organizations are, do not only not work closely enough together, they are not, to some extent, they do not fulfill their charge or responsibilities of their programs, with their individual positions. And I have gone to great length to provide some specific detail on the that for your review later.

SEN. COGHILL:

I appreciate this because this, you know, even in

reading just your first paragraph where you say "They create part of the hardships that _____ dysfunctions of the system, both government and social services..." To me that John Q. Public out there doesn't realize how, what the, what's happened to them once they go into the system.

EMO P.:

Well I wanted to go back briefly and touch base on what I considered the first family situation. _____ could deal with the state or representatives of the court. That the court system is ill-funded, inadequately funded, inadequately staffed and so frankly, my personal experiences of late and observing the court system _____ correct. I think our legal system needs to be one of those parts of our overall governmental system that needs to be most heavily funded, most heavily staffed, and most professionally staffed. The reason I bring up the latter point about most professionally staffed is this: I found that in my own family case in the last 6-7 months, we have not even been able to get before the family law judge. And yet major decisions about this family's future have been made by masters of the court and not only have, can be very well documented, have not only brought to bear their own personal biases in the matter, but have relatively little expertise in dealing with these types

of matters. And yet there is an Alaska statute in place that requires a family law judge hear these particular cases, not masters of the court or _____. And at the hands of relatively inexperienced representatives of the court, the entire futures of families are being drawn. In the case of our, my own family situation, were being bogged down in the road toward divorce. And by the way my divorce was brought on schedule for _____ Christmas Eve, at a time when our young child, our young daughter is to find out that her family will in all likelihood will no longer be together. I find something like that to be, aside from the fact that the court system has scheduling problems and overloaded and so forth, I find that to be just another example of many that our court system doesn't take reality into account as to the potential effects, and in this case on a young child, on _____. We found that in not being able to get before a judge to present our family case at this point, that basically all of our family indebtednesses, family belongings, personal financial _____ are being _____ significant. And yet the case has not even been reviewed yet by a family law judge. And I use my own as an example because I'm also _____ with my family cases involved with several others and I know they experience similar problems. So one of the things that I request based on.....

SEN. COGHILL:

The legal system, as _____ come up?

EMO P.

As I understand it, yes. One of the things that I would request be considered based on what I've learned so far, is the court systems specifically receive greater emphasis on recruitment of professionally trained staff, inclusive of emphasis on the judges themselves. And specific emphasis be placed on both judges selected for family law review of cases, or that those judges do not simply be shifted from another place and _____ handling other matters, whether they be corporate, legal and so on. But judges and their supporting staff that have equal training to that of DFYS or other social service organizations. We need to insure that those judges and support staff are the finest that we can find, and that we do not shuffle off our families that are dysfunctioned to masters of the court, that are virtually no more capable than you and I would be with a little bit of family law statute research. And that applies to the court system _____ a lot more_____. One of the things I'd like to try to do is to line out in little more detail is a specific case who did some communication with the agencies, courts, and have been involved, whether there have been some complications _____ and that's what I find.

_____ other organizations and present a timeline. I don't know if you've got the opportunity to see that _____.

One of the things that I'm sure many families have found over the years, is that they begin to experience working in the court system or the lay population as _____ and dysfunction, is that you see an early onset of a problem get into your family, but you may not know how to begin to approach it, how to _____.

Well my own particular case, I had some _____ indications and so on that allowed me to deal with the _____ fairly clearly. That there were some problems, and I had some fairly solid ideas as to where to go for, to find the resources for help and so on. But there was a catch. I had the basic knowledge and insights to recognize it at first that there were problems, that were some specific types of problems, and I went to what would be looked as the traditional agency, social service organizations for help and guidance and to how to begin to resolve the family's problem. In 1981 I was married to my wife and a few months later, we found after much closer contact with, what's referred to as as the _____ family, that there was an indiginous parental psychiatric disorder in our family. We found since that time, in all likelihood, it pervades throughout the family tree. Well I simply kind of verified what I had detected early on in the marriage. Back in 1982 I had requested

psychological evaluation and counseling about my wife and a specific member of the family _____ family. It was refused. I first had went to several counseling sources and....

SEN. COGHILL:

And you were refused?

EMO P.:

Yes. (Why?) Well the two persons themselves refused for counseling and evaluations. I then went to several counselors and other professionals at social services for myself and _____ before the _____ in 1982. Attempting to insure that I was doing the best for my own family. In 1983 and 1984 I continued with counseling sources, family groups, trying to find out what could be done to keep this family from deteriorating any further. In 1984 I tried _____ in our family. There began to be problems from the marital standpoint as to how to deal with the raising of the child. The aspect of raising her the child, we ended up being able to track down an array of psychiatric disorders as well. In 1985 was the first involvement of the family with the DFYS and various police organizations. In 1985 I was forced to contact the Anchorage Police Department to try to enlist their help to stop my wife's efforts at physical harm to a

member of the family including myself. I was told at that time, as well as by DFYS that, Mr. Portchelli unless your wife is bludgeoning your daughter or yourself, unless there is something we can see, there is virtually nothing we can do. I requested specifically on that date of at least _____ to take care of that situation, her ability _____. In 1987 again calls to the Anchorage Police Dept. for request for assistance after physical violence had taken place at home _____ the police department again informed me of virtually the same thing. We cannot help you unless there's blood on the floor or again somebody witnessing it. In 1988 the Anchorage Police Department again was for the same situation, contact was made to DFYS, - _____ children. _____ DFYS is set up to help families such as yours, but we are constrained by budgets, we are constrained by staffing and _____. We don't always have the best trained people available. And Mr. Portchello unless your wife is hurting your daughter to the extent that she is bleeding when arrives, unless somebody has witnessed something that you're saying, there's nothing that we can do. In 1989 they all - in 1983 all the way through 1989 I personally had continued consult with counselors and family doctors. And the general feeling was that these agencies that you're talking with are saying that they can't help you then there's probably nothing we can do

for you either. And we thought that the DFYS, the police department was set up to help families such as our. The same way I thought. In 1990, pretty much the culmination of the family dysfunction occurred. My wife in March of this year, she left. She accosted her young daughter while we were all three attending a conference in Fairbanks. Brought the young daughter with her back to Anchorage and has had her with her ever since. Initial refusal to let our young daughter to come home from the hostage situation that she was being held in_____. My attempts at that time were to cover all the bases possible. I contacted the Alaska State Troopers,_____I was refused assistance from the Anchorage Police Dept., the Division of Family and Youth Services refused to get involved period. I contacted the court system requesting restraining orders because I knew what a physical and emotional trauma to the young girl. I was denied. _____ the physical violence did not take place in a matter of hours prior to my filing a request for injunction. The court sytem became involved in greater in April of this year issuing temporary custody....

KATHLEEN:

Excuse me. They can't hear you on the teleconference, unless you sit down by the mike.

EMO P.:

Well at any rate, the court system became involved in April of this year and totally ignored me. My wife's psychiatrist evaluation indicated that she should not be given any form of child custody responsibilities. Her illness did not warrant it. Now, I don't mean to seem like I'm _____ just in my case. That's not my intent at all. Actually what I'm doing here is using this as an example to explain how the court system had professional input provided to them - has ignored it, and most recently on September 4, the master of the court in reviewing this case, had presented to him follow-up testimony by the same psychiatrist indicating that the particular _____ in my wife in all these cases - her mental disorders for illness that it would continue - it will get worse, they will not abate. The master of the court in his wisdom, _____ and said that he does not find the woman in this case to be mentally ill. He put himself in a position of serving as a psychiatrist on the bench and evaluated the case and awarded custody of the young child to my wife. Now the documents that I presented to you there will give you a great deal more detail as to the background history, and set of circumstances. The DFYS, when I contacted them most recently, it was indicated to me that there may well be a basis now for which they can try to _____ back out of that matter with their

mother, based on the history of physical and emotional abuse, the _____ most commonly in the last 7 months. So I'm finding some cooperation there now to try to in essence reverse the situation. Our younger daughter's psychologist indicated that there is in essence a tremendous psychological trauma that this girl is undergoing and the long-term dysfunction that she is incurring right now _____ place in the situation by the court, and one other entity, the custody investigator's office. The custody investigator has done a very cursory investigation into this entire matter and came to the conclusions that my wife was to be awarded custody, even in light of all recommendations against my wife's psychiatrist. The psychologist that evaluated her was _____. My point here is this, that the court assisted, two arms of the court system, the master of the court and the custody investigator's office, both had professional sector evidences provided for them, and they were totally ignored. The two arms did not work with the professional community. They should be going hand in hand. The DFYS is telling me now that, in fact that this decision may well have been totally in error, to award custody as the court did. We need to have greater cooperation between the components of our system, the judicial, in this case the court, the police department, the DFYS and the custody

investigator's office. I think one of the allegations that I bring forth specifically in my _____ there is that the custody investigator's office is ill-staffed. Ill-staffed in the sense of having persons on staff that are in no ways trained well enough to handle these cases. And there are professional sector people here in Anchorage that are now willing to come forth and attest to that, as well. In fact I've had _____.

SEN. COGHILL:

Are we kind...are we kind of talking about possibly setting the DFYS, the whole structure of child abuse, dysfunctional families, maybe making that all a segment of the Family Court, and to get the Family Court more professionally into the family structure rather than just having a judge sit on that and he decides that. That...is that kind of...is that a possibility? I'm not saying that I have any conclusions on this. I mean I see your problem.

EMO P.:

You know one is to possibly separate the court _____ are seeing where the various, I lose you in the term system. Various components of the system _____ relative to their functions, don't seem to blend well, and then there appear to be domains that are not in the

norm, territorialities between the various components of the system. The judges, the masters of the court are choosing not be infringed upon in finding individual members of the public in developing the _____ and have research _____. Its clearly and its backed up by professionals, but the court system and the custody investigators office are ill-staffed, are functioning inappropriately, in fact even _____. I would like to request specifically that you and your group consider finding out ways the court system can be better staffed and better professionally trained in selecting those for family law functions, who are trained professionally in better handling these matters. Not to be shifting one function to another, but there are some court staff people badly trained. The custody investigator's office, when viewed in its entirety, the staff _____ that do not have appropriate backgrounds that exhibit biases. The custody investigator that's assigned in this particular case came out in court with a statement to both attorneys involved in this particular case, that he does not give any weight, any credit to the views and the reports of the counseling psychologist of the young girl involved in our case. He has a personal disrespect for the counseling psychologist _____. And therefore ignored the counseling psychologist's reports, findings and conclusions. It doesn't take

very well-trained member of the public to recognize that this is not the way to _____ in that position _____. The person in that position has a solid hold on a big part of the future of a family. He has a much greater responsibility than just a cursory review in this type of family law case. In addition to come forth with statements like that. There is a great deal more that can be presented to you orally, but I think once you have a chance to review the document I presented to you, you will have a more clear understanding of what I was trying to put together.

SEN. COGHILL:

I appreciate that. And if you'll stay in contact with our office and with Kathleen as we go down the road to try and solve some of the problems. And if you, you're sure welcome to stick around for....

EMO P.:

One last thing on the letter, this is _____ letter will explain that further. _____ a couple weeks ago cause I was_-_____going to court. She has been requesting now for about seven months to be heard by the court and express her to desire to come back home to her father_____. I have made specific requests to the court to allow the young girl to be heard. Now she addressed specifically the _____ because in

her own childlike way present the situation of what's happening and I'd like to _____point_____. (A tape recording played of the girl's statements)....__
_____ and relatives, I want nothing to do with her because it hurt mom to split up with Dad. I don't want to do with her and want you to start _____. My Dad is _____ supposed, _____ child abuse._____. So I want you people to see what is happening to me. And I want you to tell the custody investigators that I have a very strong feeling that my dad is going to lose me cause he _____ and he has not been. Dad has not been doing anything to me_____. I want you to _____I don't want you to _____. And mom is doing a lot of child abuse. Cause I don't want that to happen to me. I want _____. My Dad has been nothing, my dad has been doing nothing to me, and my mom has been doing all of it, so I want you people to see if those two persons _____see how children feel when they've abused. So_____a child crying cause of child abuse. _____you people should know what that means. You people should know that my daddy is doing nothing to me and my mom is doing all the child abuse toward me as she could possibly do. And that's the end of this recording.

I just want to close by saying that this little girl was feeling so distraught, so down and drawing within because she has not been able to convey her desire to come back home to her father in this case. She got up in the middle of the night, put this recording together, thinking that _____ listening and she's still denied the opportunity. Now it just happens she's been denied by the court system. This could be reflected in a number of cases _____ a child _____ DFYS, custody investigator's office and so on. Guess I'll close by saying for the most part, parents in the situation like this don't have _____ the child is by far _____. Thank you.

SEN. COGHILL:

Thank you very much and we really appreciate your taking the time. I know that testifying on personal matters in a situation like this is not necessarily the most easiest thing for people to do. I appreciate your doing this. We have the Office of Public Advocacy, Jerry McCarthy, here and they _____ just heard some rather heart rendering testimony and maybe you could start off by getting into your presentation and then kind of just relate back into this where we fit and how we can make the system work responsibly.

JERRY MCCARTHY:

Thank you Senator. I wanted to, I'm sure everyone thanked you for ____ to take the time for the one issue - and I'll be very blunt, excuse my bluntness, which is _____ by our state. The gentleman who was just here I don't know. I really appreciate the public coming because us in the system - we still have the credibility as _____, we're trapped. And my frustration and anger on days is almost overwhelming. In fact there are times the turnover in the system is so great I think because of the frustration, I feel the lack of commitment we feel by others in the system to change. The office of public advocacy very briefly and we're going to focus on guardian ad litem services. The term guardian ad litem I got out of law school. I didn't know what it was. Basically, we're not a legal guardian, we are the guardian to advocate for the child's best interest and that is different than an attorney for the child, because actually you can disagree with a child's position, the obligation and _____ is to try and provide the court so that judge, he or she, may get _____ of information. Some is easy, and some is extremely difficult if not impossible. We provide guardian ad litem services statewide when a determination parties are indigent. To give the task force an idea of the scope of our caseload, currently in Anchorage we have 6 position, two attorneys and four

non-attorneys. That includes my position and I am a supervisor. And we, as of the end of August, had 772 individuals represented in the system. We do child abuse cases in Title 47, that is the bulk of our appointments. We also do child custody appointments, contested adoptions, custody filings, guardianships and _____, and we're appointed as guardian ad litem _____ a rather important statute a the legislature passed two years ago. I briefly provided the panel with a handout. I have many things I could add, but I wanted to at least point out the first two items, and that is a custody case. I think we really should try to focus primarily on that. I think the DFYS has been very open and honest about limitations they have and recommendations they've made and I concur with those. I think in custody cases there's - I wanted to start first by giving you a couple of ideas to go with. One is when you go to court as a juror, you're shown a videotape of what a juror is. I really think that something should be developed for people filing custody cases which explains the ramifications of the custody proceeding, the length of time it takes and possibly require a mediation tape be developed to show them that there are alternative methods that are available, but ascertaining the parties' commitment. Regarding the mediation, we do have a statute, Senator, and I think the statute right now says you have to

request mediation within 30 days of filing petition for custody, a relatively short period. I think its 10 days after you are required to file an answer, so I'm not sure a 30 day limitation is in the statute. What I think the problem with mediation is is there is no mechanism to allow the judge to really screen it. The statute 25....its 25.20...its 25.20.080 says that at any time within 30 days of a petition for child custody, the court may order the parties to _____ mediation. So I think a law is already in existence. The reality is that it isn't functional. And I think without going into a great amount of detail with the time here, that is really something we need to look at. An idea that has been proposed in Missouri, but was not passed, and I think this dovetails with the problems with the court system with lack of availability of judges - Missouri had an act two years ago that had custody panels involved, volunteer panels that with people who had specific training and they had to make recommendations in each case, similar to the child custody investigator's office. But the point of the matter is people are going to the court system to resolve problems that the court system isn't prepared to resolve. It can't. The best story I heard was the judge that said, I can't make the right decision today. I have to obey the rules. People have to live with them. We're in a tremendously difficult situation

because the rights of individuals in democracy are something that we want to cherish, but the reality of the time and the energy and emotional hardship of custody battles is tearing our society apart. We need to be innovative and we need to make our state get involved. We can no longer push this on the lawyers and the court system. And I think the court system and the attorneys are the first to beg the state to do something. Because this is something that shouldn't be just on shoulders. We are not trained. We are not prepared to take on this obligation. One of the things that, and another suggestion is that custody cases all too frequently they are based with allegations of sexual abuse. And in a custody case that is always the red herring that can be extremely difficult to investigate. In the meantime something must be done, and many times there is the court order that allows no visitation or only supervised visitation by one of the parents. Now again, keeping my comments to custody cases, not child abuse cases. The problem then arises, is who, in Anchorage, who will do supervised visitation and I'm sure this is statewide. Our office has been asked to, and obviously by the numbers of cases in excess of 110 per person per staff, and that is not our mandate. We advocates, we're not supervisors. The most recent case that I'm aware of the people are paying \$35 an hour for someone to supervise visitation.

Well, the problem is that somehow there needs to be a program that maybe provides that service. I don't know, there has been discussions, but at this point it is not provided in custody cases.

SEN. COGHILL:

Can that be done by...could that be done by private, non-profit, by volunteer, by that type of groups? So that we get it away from structured...

JERRY MCCARTHY:

Yes, the....sure. The perfect plug here for the Anchorage Center for Families. I mean if you have got a knowledge of that organization its phenomenal. They are on a shoestring budget. They have volunteers that go through training and provide supervised visitation. And I think they still do this, I'm not certain, they used to only provide that service to the Division of Family & Youth Service child abuse cases, and obviously maybe a higher priority. If you're in a custody case and the DFYS is involved, you're really in a terrible _____. And the courts, more than anyone, are agonizing over what they should do. They don't have a lot of options. One of the other things that I wanted to point out since I am in court just about everyday, is that we do have masters, and there is a whole legal argument involved. Why do people in an urban area have

a master, where someone in a smaller community in
Southeaster...(end of tape 1).

a master, where someone in a smaller community in Southeaster...(end of tape 1)...a Superior Court Judge that's given the matters that's assigned to a criminal calendar. Now that results into criminal cases given precedent over divorce/custody cases and there'll probably be criminal cases coming the ladder for trial and the custody cases coming, suddenly the criminal case goes and then suddenly this custody case is on the back burner. That's intolerable. The courts can give you an idea of the problems with that, but it has resulted in an extremely difficult situations, and I don't know the innovative ways to provide for availability of judges. But is a big problem.

SEN. COGHILL:

Can we go back, can we do that through what Emo was talking about? The upgrading of the concept of the family court and making the family court a family court instead of an adjunct to the superior court.

JERRY MCCARTHY:

I wish Art Snowden was here. Now I know, I know other jurisdictions that do that. There's a lot of them they _____. The problem is, the problem somebody thinks it sounds good in theory and they go structure it and that's incubated and its like cutting a statute that we can't work. Its like the _____. I think that would

work and I think the court is very sensitive to these problems. For example, the Alaska Supreme Court has expedited appeals for child custody matters. They did that of their own initiative. So it isn't like its a system that's not..they are sensitive to the problem. The solution is that unfortunately the state is, the people of the state have got _____ and we come in and talk about individual cases and its so bogged down. The problem is our citizens, especially the children, going through the process has become almost at some points abuse. And its something that people want to away because the limitations and the frustrations and we all need to really look at that goal. I think everybody that will testify agrees with that goal. The other thing I wanted to bring up is a _____ idea, but there is a _____ in Nebraska about a year ago. It talks about special training for experts in sexual abuse cases. The problem center is our consummate experts in these _____ in the court the term "expert" is someone who has more training and expertise then an average citizen. So you get into a - a lot of people have a "expert". One of the things, is there a need to refine that because in these cases so that we don't have any battle of experts? Again I think mediation is a viable option to the proper screening mechanism to allow that to happen. And I again think maybe a video tape in the beginning when you file for a

divorce, you can sit through it and see it, or something to at least give the person the invitation. I'm more concerned with some of the things that we have tried to do in our office and maybe _____. In 1985 when I came to the office, when we first opened our doors, I was a strong believer that a guardian ad litem came from any walk of life, rather than _____ problems, but I think its a _____. We started a program where we have approximately 80 volunteers from, I mean, every walk of life that have gone through 80 hours of training in order to be a volunteer guardian ad litem. We call them CASA. It stands for Court Appointed Special Advocate. Its a national phenomenon in 30 some states. They take on a case, they go to court and we supervise them. And granted the supervision is critical in matters of the problems that can occur. But that concept can be expanded upon. Its not going to save the state money in the sense of inept supervision, they're labor intensive _____. But the quality of services of phenomenal. Whether they agree or disagree, people spend, even the training this weekend for volunteer guardian ad litem - 70 some people signed up and they were taking off work. So there is a way to invite the public. And we need to be creative. We need to _____. Regarding a child of _____ cases. I just want to say I guess I had the privilege of working and the frustration of working that system

for a year. One of the things I just want to point out is the Alaska Psychiatric Institute, which has a vast array of difficulties, really does not provide _____ treatment. And it, I can't explain the frustration families have when you have a child discussion and this treatment, and either I can, _____ for a certain period of time. We end up in many cases with children that are chronic problems and are runaways. You have...we are really....to save that child from becoming a delinquent or hurting themselves, yet we know the system and the parents _____, but we have to get to the point where they become a thief or they actually hurt themselves or somebody else so that we can then get them treatment. And the terrible Catch 22 of that is that we really are forcing the child to go down that road in order to then be able to get them treatment. That's something tragic in that. And we all know in the long run that isn't saving us any money or resources.

SEN. COGHILL:

In the API treatment program for children, I find this Alaska Youth Institute program that they've got in the educational process, is probably one of the most successful.....emotionally strung out kids that

JERRY MCCARTHY:

Is that the Alaska Youth Initiative? I just wanted to throw idea initially.....Kathleen. The Alaska Youth Initiative I don't think supportive, of course they're out of money most of the time. And its mental health education ____ and social services pool their resources. There was, and I don't if it was passed, the state of Tennessee did something very radical in the last legislative session and I do not know the outcome. They proposed that when children go to court under a child protective case - at this point they're committed to the Dept. of Health and Social Services. Tennessee had a concept which I'm not certain of the merits of this, because a child was committed to the state and there would be a panel which would determine which department would be primarily responsible. It is I think similar to the AYI concept. The idea is that you don't have these unfortunate situations where we all are trying to protect our budget. And I think AYI tries to overcome that because, but I think there are still limitations I think needs to be supported and expanded upon. Its a phenomenal idea and really merits everyone's support. One last thing that I don't if it was brought up is step-parents. I think most step-parents in the custody and child ____ cases are extremely frustrated. The step-parent may very well be the psychological parent, is not a part. We do, we do have a statute that many of us worked on years ago ____

and its been a portion of the grandparent visitation statute. But it is a really grandparent or significant person can get visitation rights, but they are not a part - they have to make a special application and its a _____ now, but many step-parents have to prove unfitness in order to get custody. That's a standard. If you're not the biological parent, you must show unfitness to be able to be qualified for custody. Now I'm not advocating that maybe that..give step-parents the same rights as a biological parent, but there are many cases in our society today, given the number of people that remarry, the step-parents are really a resource in a child's life and it is not adequately protected. And I don't know, cause this is an ongoing investigation, maybe you should hear from step-parents and ask them their....there are some step-parents that despicable. I don't want make it sound like I'm saying they are all wonderful people. But I've seen many step-parents that are shut out of the system. Is there any questions? I tried - I know there's many people and I don't want to.....

SEN. COGHILL:

No, you're okay.

JERRY MCCARTHY:

When you get into a custody case and a domestic violence case, one of the things I wanted to compliment the court system on is, at least in Anchorage, if you walked in that court system, the domestic violence cases, and I know many of these are own people's custody battles, _____, but despite that there are laws that I think it is a valuable tool that has been provided. Many spouses that are in battery relations, whether they are female or male, are not in position to go for divorce. They are emotionally blackmailed financially in some situations. And that may be the first step to determine their future and their families by at least getting some temporary relief. So if there's any testimony about how domestic violence petitions are not, are being misused, I want to dispel that advice. There is, there can be misuse, but overall its a valuable tool. With domestic petitions, we now have the knowledge that we need a child advocate. And we do, in a few case become guardian ad litem, and they are very short in nature, our involvement. And what I think needs to be looked at, is when you look at custody...look at changing the custody rules, I think you need to include domestic violence because they are so interrelated. And I know the legislature rightfully has now amended statutes to make sure that domestic violence is a factor when _____ award custody. I wanted to compliment the legislature for

doing that. But with the task force, I guess in the domestic violence arena, though it is not a main focus of the hearings, can be overlooked. Any modification you do in custody, you may want to look at how that impacts domestic violence petitions. I also want to pay respect to the court system. I've been in line as an attorney filing papers and I've seen clerks go out of their way to take a woman or a man aside and explain to them domestic violence petitions, much to the chagrin of the attorneys, but I think its a great service to the public. And the courts have probably never been thanked. So I, somebody should bring _____ from that regard. They do have a good _____. Training for judges was brought up and even though I don't know how that would work. I think that really gets into the bigger picture of we should have a separate family court and maybe that training could _____. Right now, being a _____ for a judge in the program, and I don't think its something many people are volunteering to do on a long term basis. And I think, I don't know is Art is here, but I think he could really address the ----frustration that judges have.

SEN. COGHILL:

We'll try to get into that maybe our next meeting. How we think those _____ and how we get into the process.

JERRY MCCARTHY:

The last thing is confidentiality. I think confidentiality is a word that is _____ to deal with this system. I mean, for example, the term "confidentiality" is very broad. I don't, I would not be able to give you a specific case. Now that is not a, there's not a hard fast statute _____ profession. I'm not going to the grocery store as a guardian ad litem talking to the clerk about the fact that I represent their next door neighbor. But after that there are a great many other layers of confidentiality that prohibit, for example, the Division of Family and Youth Services from providing information. And people get very flustered with that, but fortunately I think that that is one of those rules that we have to preserve. Because the child in custody cases many times, Senator, best description I have was, the child is in court with two people shooting arrows at each other through the child. And I know the gentleman was frustrated about his daughter's inability to be able to be in court, but many times as guardian ad litem we try to keep the child out of the court. So it is a _____ to do. The last _____ that I think the

State of Alaska has now gone at great length is mental cases. We now have a statute that allows for Guardian ad litem to represent children that they're either a victim of abuse or a witness of a violent crime in criminal proceedings. The legislature should really be complimented for that statute and its singled out as one of the most progressive in the country for having that. And the constitutionality of that is valid. I again want to thank you for that_____. _____ welcome the opportunity to help.

SEN. COGHILL:

Thank you very much Jerry. We really appreciate your _____ to help us. This things as broad as it is long. And there's a lot of information that we're going to be garnering this in this process and we hope to be able to put the target maybe three or four or five issues that we can take to the legislature in trying to sort out some of the dysfunction in our system. People don't realize how hard _____ how _____ the system is until they enter. And once they enter it, they can't get out of it. And I think that that's the frustrations of people as come forward _____ and _____ a good example of this testimony is that how does the office of Public Advocacy could help that type of a situation.

JERRY MCCARTHY:

I just want to say that in those custody cases, we use to have the child custody investigator office and us involved and obviously for resource reasons we can't do that. We do get appointed custody cases as guardian ad litem, but there must be a _____. Again the gentleman that testified, but I don't know if that was addressed in his case. So...

SEN. COGHILL:

And I think that that's one of the things that's busted in our whole system. It seems when it comes to emotional or issues that effect the family, if they, they are guided by the dollars, and yet there is no other...

JERRY MCCARTHY:

Its a terrible situation.

SEN. COGHILL:

...there's no other avenue for people to get help. Thank you very much Jerry.Give us your name and give us your testimony.

DR. JAMES _____:

Dr. James _____. I'm a pediatrician in private practice in Anchorage. I've worked in Alaska since 1983. My practice consists of general pediatrics with

a special interest in child development and child behavior problems. As a pediatrician I'm definitely aware of the problem of child abuse and _____ in pediatrics and _____ there is at all times the possibility of abuse. And I've been personally involved in at least two fatal cases of child abuse _____ and in Fairbanks. There's no....I know there are times when society must step in to protect children and children's rights have to be placed above the parents' rights, so therefore I hope that because of what I say that no one will accuse me of being soft on child abuse. And I came to testify today because I'm very frustrated about the state of the child protection system in Alaska. I support the concept of child protection, but I'm convinced that the system is not working as it should. Over the past one or two years I've been involved with at least ten of my patients who've been removed from their families by the state and placed in a foster care system. I've had the opportunity to see all of these children and these families through the whole process and in these cases I'm _____ before they got involved in DFYS. The families also gave me the opportunity to read the DFYS files on _____ and had a chance to talk to the social workers in these cases. Based on this experience I've gradually and somewhat reluctantly come to the conclusion that the DFYS is out of control the

State of Alaska. Children are being removed from their families for reasons that make very little sense to me. And often for reasons that are not clearly stated. The state social workers were often inexperienced and sometimes over zealous, are being almost seemingly absolute power over the families. The system of checks and balances does not seem to be working. Family rights are not being protected. Children's rights are not being protected. I no longer see this as an issue of family rights versus children's rights. In my opinion if the child is removed from the safe, loving home, its a violation of everyone's rights. Which is worse, you know? Failing to protect an abused child or taking away a non-abused child from the safe and loving family. In either case, the consequences for the child are truly devastating. I'd like to, if I can have a few minutes to present just a few case histories from my own experience to explain my concerns about the child protection system. The first case I was involved with several years ago. I was called to the emergency room _____ to see a 2-month old girl that had been brought in by the police. This baby, I was told, was covered with bruises and was a victim of severe child abuse. Her mother had been taken directly to jail and charged with abuse of the child. When I got to the hospital I found an Alaskan native who appeared quite healthy and well-nourished. The bruises on her body

turned out not to be bruises at all, but mongolian spots, which is a very common birthmark on native babies. I immediately realized that a mistake had been made and I called the police investigator at DFYS where they'd taken the case. At that time I was new to this community and a little bit naive about how things worked. I imagined that they would apologize to the mother and return the baby right away. In fact, the social worker seemed very uninterested in my information. She was annoyed because now she had to find a foster home for the baby to be overnigheted, but _____ a baby. I didn't have any further contact with that patient so I can't provide any follow-up on how the case turned out. I decided to present the case anyway because its one of the basic _____ of DFYS, in other words, the social worker is always right. DFYS workers never make mistakes. In the case I just presented was my first exposure to this _____ and encountered it over and over again in subsequent cases. Everyone at DFYS _____ down to the workers and they present a united front. If the allegation of abuse or neglect later turns out to be unsubstantiated, it doesn't seem to matter to them. The Division always seems to come up with some other reason to keep the child in custody. These reasons usually have to do with the alleged unsuitability of the parents or of the home environment, or the parents would be labeled as "unskilled" or

the family would be called dysfunctional. I'm presenting another case to show the doctors can make mistakes also. Three years ago I examined a 5-year old girl with _____urination. I ran a test on her which showed she had a sexually penetrated disease. I immediately reported the case to DFYS for investigation of possible sexual abuse. Interviews with the child failed to confirm sexual abuse, nevertheless, with positive laboratory tests, the state gets custody. The child's visitation with the father was restricted. One year later I happen to discover that the laboratory test result had been erroneous and an error which had not been detected. It appears that the child never did have a sexually ____ disease after all. When I notified the concerned parties about this error, the information seemed to make no impression at all. The case had already taken on a life of its own. Almost everyone believed the father was guilty of sexual abuse. And they seemed unable to change their minds on this fact. I admitted my error in this case, cause it was my mistake, or actually the laboratories mistake. And I tried, albeit unsuccessfully, to reverse the consequences of my mistake. I only wish that DFYS would do the same when they make mistakes. Of all the children who are placed with foster parents in the United States - I don't know what the statistics are for Alaska - but nationwide statistics show that only

15-20% of them were removed for abuse and in foster homes, sexual abuse - 65% of children are removed from their families not for abuse, but for alleged neglect. The problem is how do you define neglect. Most parents could be accused at one time or another of neglecting their children's needs. I'm not talking about flagrant neglect from the crack addict user or small children at home with food or without supervision. I'm talking instead about the more common allegations of poor parenting skills. An example would be a hyper-active child who has a behavior problem in school. In my practice I deal with a lot of children who have that disorder ___ and I can tell you that the parents are usually blamed for the child's behavior. The teacher blames the parents for this problem and she decides to report the family to DFYS. Any parent of an emotionally disturbed child automatically becomes a part of the allegations of the so-called emotional neglect. The social worker, after a very brief investigation, concludes that the family is "dysfunctional" or that the home environment lacks structure. The obvious solution is to give the child ___ parents immediately, or the social worker will fight tooth and nail to keep visitation to a minimum because they feel that any contact with the child with the dysfunctional parents would be harmful. This has definitely been my experience. They would not grant parental visitation in

these cases. Possible harm to child to break the parent-child bond is simply not acknowledged. I had many discussions with _____ and other people at DFYS and they simply do not acknowledge that removing the child from the home has any harmful effect on the child. They just basically do not believe it. They think they're doing the children a great favor and that the children are very happy in foster care, which is not my experience. Most pediatricians really love their work, you know it can really be rewarding. You get to see parents bond with their newborn children and over the years help them to form the natural instincts of raising the children and to overcome the feelings of insecurity. You see them tune into their child's development and the child's emotional needs. You share their joys and their frustrations _____ the bad times. Eventually you get to know some families pretty well. Then one day you get a telephone call from the parents. They tell you that the police came last night and took the children away. They weren't told why their children were taken away, or where their children are or when they will see their children again. This happened to me a couple of times. What happens to children after the decision is made to place them under foster care? Once a child is removed from his home, he can expect to spend at least several months and usually a few years in the foster parent system waiting for the

courts to decide his case. Brothers and sisters, in my experience, are usually separated and placed in the foster homes. Many children will experience multiple foster placements, a change in homes every few weeks. This is especially true for children with behavior problems. Its ironic that while all of these children are being rejected with one foster parent after another, their parents are fighting in court to get their children back. The children learn from this that they worthless and nobody wants them. They are not even good enough to live with their own parents. I'd like to present the case of a boy that I'll call Matthew, although that's not his real name. Its in confidentiality. I knew Matthew since he was born _____ I cared for his two older brothers. At six months of age he was a happy ___ baby, was growing and developing normally. His mother brought him in for regular medical care and well child _____. She had bonded to him very well and to me seemed to very attuned to his needs. A short time later Matthew's parents separated and his mother was faced with a crisis situation and had no place to stay. She placed Matthew and his brothers in a ___ nursery for two days. She was _____ a social worker ___ two days in the nursery while she looked for a place to stay. When she returned the next day, on schedule, to pick up her children and was told that she could not have them. Her social worker had taken

emergency custody on the grounds that the mother did not have a job and was not financially or emotionally stable enough to care for the children. There were not specific allegations in this case for abuse or neglect. The children were separated and placed in three different foster homes. I did not see him again, Matthew again, until about 10 months later when he was 17 months old. By then he had been in several different foster homes. He was developmentally underage, he had not learned to talk. He would sit in his crib for hours and not demand anything. One foster parent had described him as a vegetable. He would make himself vomit on purpose, _____ and stick his finger down his throat and make himself throw up. I saw him again when he was 21 months old. By then he had been in 7 foster homes and he was developing_____. He tried to eat twigs, splinters of the wood from his crib, and _____. He had not received any immunizations since 6 months of age. His medical care fragmentated each time he went to a new foster home, changing doctors. From time to time, and there's no transfer of medical records, from time to time his mother's visitation rights was restricted because she told the counselor that once she smoked marijuana and that caused her to be screened for marijuana and hence here visitations were restricted. As a result Matthew's mother would call me from time to time and express her

concerns about his health, development and progress while he was in the foster homes. When the social workers found out about these telephone calls, the foster parents were told to change doctors unless I immediately cut off contact with the mother. On two days from now, on the 25th, there is going to be final court hearing on this case in which the state will attempt to terminate the mother's parental rights permanently.

SEN. COGHILL:

Who is the, is it the Division of Family & Youth Services that is bringing forth this charge?

DR. JAMES _____:

The family's had several different social workers.

SEN. COGHILL:

I mean where is the court - who is asking the court to rule....

DR. JAMES _____:

It is the Family & Youth Services, I'm not sure who is actually the social worker. Her initial worker was _____. I don't know her present social worker. The mother told me about _____ and you know they have allegations. I mean the mother at one time

had a cocaine problem and as far as I know she has not had a problem with cocaine for years. _____ again definitely no allegations of abuse or neglect. I took care of her older hyperactive son who is now 4 years old and who is going through the same process_____. And next I'd like to present another case. This boy I'll call Taylor. He's six years old and he was removed from his home along with several of his siblings. The allegation was "the children are sexually abusing each other." The specific allegation in Taylor's case was that on one occasion he had pulled down his pants in front of his 5-year old sister. He, and I'm not lying about this. That was the allegation the state used to_____. DFYS worker considered this such a serious matter the police were sent to the family home at 10:00 at night to remove the children. Alternatives to removing the children were not considered and no effort was made to keep the family in tact. It was considered an emergency situation for sexual abuse. Taylor was not allowed to telephone his parents for three days, and his parents did not know where he was during this time. When they were allowed to visit, he cried and begged his parents to take him home. As a result, the parents had further restrictions placed on their visitation. They were restricted to a very tightly supervised visits once a week because it was alleged the children became upset during parents

visitation. Immediately after Taylor's removal from his home I spoke with his kindergarten teacher. The teacher reported that Taylor was doing well in all areas. He was perhaps mildly hyper-active according to the teacher, but the teacher did not feel he was having any kind of significant behavior problem. After being placed in a foster home he was transferred to a new school closer to his foster home. He soon developed a severe problem of aggressive behavior and biting. At this point I tried to arrange for Taylor to see a child psychologist who worked with children, I knew and respected. However the state insisted they choose the psychologist. The person they eventually chose was not a specialist with children. And the evaluation did not take place until several months later because there was some difficulty in state funding. The psychologist selected by the state concluded that Taylor was so disturbed that he should be placed in _____ treatment facility for one year, one _____. And he stated that Taylor should not be returned to his family because he was "culturally deprived" and a victim of long-term neglect. As a specific example _____ the psychologist cited the fact that Taylor did not know where milk comes from. Apparently, this is a standard question they ask children. Taylor told the psychologist that milk comes from the store instead from a cow which he was supposed to have said. Also Taylor wet his bed at

night and the psychologist indicated both chaos and lack of structure in the family. What he didn't say is that 20% of 6-year old boys wet the bed, and controlled studies have shown there are no connections between bedwetting and emotional problems or family problems. I told DFYS workers that I had known Taylor's family for five years and in my opinion they were good parents. I also told them that a 6-year old pulling his pants down in front of a 5-year old is not sexual abuse. Its normal behavior at that age. The DFYS supervisor replied that I was biased and that he would recommend the children see a different pediatrician. In my opinion, this case was _____ DFYS misused the process of medical and psychological evaluations to support their own view. If a child develops emotional problems while in foster care, his problems are invariably blamed on the child's family and used to justify foster placement. Psychological evaluations on the parents are also misused in my opinion. I've seen cases where the parents are given the MMPI disorder multi-phase personality inventory. In other cases the parents are given a multiple-choice written test that_____. The results of these tests are then used to determine long-term placement of the children. I have serious doubts about the validity of the use of written tests for such a purpose. I've seen psychologists pronounce parents unfit on the basis of these

tests without even bothering to observe the parents and children together. In some of these cases I've known the parents for years. I've known them _____. Even if the original allegations of abuse or neglect are unfounded, the state will always come up with another reason to keep the child in custody. Its a no-win situation with families. The parents are faced with the impossible task of proving that they are good parents. No matter how many parents _____, no matter how many counselors get seen, it never seems to be enough to get their children back. DFYS is not nearly so strict in foster parents, or operators of licensed daycare homes. These people are not...as far as I know these people are not required to undergo psychological evaluations. The double standard is obvious. As you've probably guessed, I feel strongly that the child protection system needs fundamental reforms. I feel that the present system hurts children and is unfair to families, and this is based purely on my own experience with my own patients. I have a few ideas about possible improvements. I'm not a lawyer and I'm sure that many people say that these solutions are probably illegal or totally _____. I feel that there has to be radical changes made consistent to protect the children. First of all I feel that more safeguards have to be built into the system to protect the family rights and to prevent arbitrary and unnecessary removal

of the children. I am convinced personally that the only way that this can be done is through a jury system. From my recent experience, I'm convinced that ordinary people can be better trusted in these decisions than the social workers, family court judges, special advocates, psychologists and all kinds of other experts. I've seen the most, and in my opinion, what are the most outrageous decisions by the DFYS just from the _____ by a family court judge _____ without any consideration at all. I think that a panel of jurors should be convened within 7 days after a child has been removed by DFYS. The panel would determine if the emergency removal was justified and offer guidelines _____. If not not the jury should the power and obligation to return the child to his home immediately and reverse the process so that it doesn't drag for 2 or 3 years. Two, I think that more, well that defined guidelines for removal of children from homes should be established by law. Removal on an emergency basis should only be justified if the child faces immediate danger or harm. In all cases the harm to the child must be explicitly specified. Vague allegations such as dysfunctional family, unskilled parents, or general neglect would not be allowed. The emotional risk to the child in foster placement and disruption of the parent-child bond must be specifically addressed in each case. It must be determined that the risk of the

children remaining at home outweighs the risk of foster placement. In doubtful cases, it should be assumed the child would be better off in its own home. Whenever possible, children should be placed with relatives or friends instead of strangers. Three, I believe state workers must be held accountable if they choose to ignore these guidelines. Four, I believe that DFYS should abandon, what I view, as its adversarial approach toward families, and the emphasis should be on offering services to client families in a sympathetic manner, building parental confidence and self-esteem, gaining the trust of family members and working with families intact. These are the skills of a good social worker. The state should hire workers on probationary basis and terminate them if they are unskilled. The present system reminds me of a divorce of parents in the middle of a custody dispute. The state plays the role one parent bitterly attacking the others for its support. After months or years of this some parents begin to believe it and feel that they must be bad parents after all. Some parents even get to the point where they are willing to sign over the rights to their children because their self-esteem has reached such a low point. What's even worse, their children get the same message. I've seen the parent and children over and over again _____ foster parents and even other people, the parents are _____. Even if the

parents managed to _____ themselves. I've seen cases where they are afraid of what they really feel. They really fear retaliation from their social worker. After all this social worker has very large powers over them. And if they appear to be uncooperative in the treatment plan, you know, ___ new consequences. Five, I feel that if the above steps are taken, fewer children would be placed in foster care and they would stay for shorter times. This would relieve the burden on the foster care system so that higher quality homes would be available for children who really need them. Much has been written about the foster care crisis in "foster homes". I don't believe in the word foster homes. I don't believe the answer to the foster home crisis is more foster homes. I believe that we need to enforce _____ how these children are placed in foster care. Six, I believe there should be a definite policy that siblings should be placed together in the same foster home. This is not a way to pay _____ . Seven, it should.....

SEN. COGHILL:

Do you think that even the selection of the foster home, there ought to be a preliminary step before placing the children in the next of kin, so that the family unit stays together?

DR. JAMES _____.

Yeah. I think that should be controlled whenever possible. There again, the _____ which is not always the case unfortunately. In Alaska many families are isolated and there really are no next of kin relatives available. I think that is an ideal solution, especially someone who actually knows the child and the child knows and its not as traumatic _____. Next, I think that it should be acknowledged that in rare exceptions, liberal parent visitation is in the best interest of the children and it helps lessen the trauma of separation. Restriction of visitation should never be used as means of punishing the parents or of forcing them to comply with treatment programs. Where I'm not sure if this is official policy of DFYS, I've just seen many cases where in fact this has happened.....the child's best interest _____. This insures that these ____ organizations are kept up to date, and the growth is monitored and the child's physical and mental needs are met in a consistent manner, and the child has a comfort _____. Foster parents often have their own favorite doctor, and I've seen some _____ and I have a lot of foster parents in my practice that no me well and whenever they get a new foster child they want to bring the foster child in to see me. And I tell them does this child have a doctor already and in the

child's best interest go and see the child's regular doctor.

SEN. COGHILL:

So, we could maybe indicate the foster children's medical records should be a part of their permanent records so that...and follows them.

DR. JAMES _____ :

Right. And also and I think whenever possible the child should stay with the same doctor and even if it means a foster family may have three children go to three different doctors, that's part of the _____ of being foster parents. Its the child's doctor, not the foster parent's doctor. In any cases where its necessary to change doctors, for example for distance, medical records should be copied..... That's not being done at the present time. _____ that there should be adequate provision for the transfer of medical records for the children going to foster parents. This is not being done. Immunization records are not being transferred, and if they are still needing immunization there's no way to find out how many shots the child has had. _____, and this is something that's in a little bit separate problem and you're not dealing with it. I'm concerned about quality of the _____ interview children for an allegation of sexual abuse. I

believe that the interviews of young children regarding alleged sexual abuse should be done by professionals with special training and qualifications and skills for the scenario. Not everybody doing these interviews. And these people need to be fully knowledgeable about child development, appropriate age, appropriate _____. Specifically, I feel that the Anchorage Police Department should get out of the business of doing child sex abuse interviews. And I feel to a large extent that state social workers should probably getting out of the business also. I've reviewed of police transcripts of interviews of very small children as young 2 years old. I've been shocked and dismayed by the _____. I've seen police officers just fully describe and asking coaching leading questions and outright lies and deception to get children to say whatever they want to hear. There is a total lack of objectivity. If the child fails to accuse the suspect, then the child is accused of lying, threatened with humiliation. The child is rewarded for fingering the proper person and bullied if the child fails to finger the proper person. For example, I had a case where an 9 year old boy was being interviewed, this is the _____. Because the police felt this 9 year old boy had sexually abused his 8 year old sister, he didn't really have any reason to suspect that, but this _____. And they told this boy that they had already

interviewed his sister. She had fingered him. In fact they had not interviewed his sister yet, but they told the boy that they had. When he denied sexually abusing his sister, they told the boy, you're lying. In fact, when they did interview his sister afterwards, she denied that it had happened. They asked the _____ inappropriate questions. For example, you can't ask a 3-year old how many times that he touched you, or when did he touch you. They almost expect the child to say, well he touched my last Thursday. You know, a 3 year old has not developed any _____ to answer those kinds of questions. I've seen them ask other kinds of inappropriate questions, such as what church the family belongs to, and whether anybody in the family subscribes to Playboy magazine, which I don't feel are the proper questions to ask. There is...these interviews can be used to destroy the families and actually send them to prison. I think its imperative _____.

SEN. COGHILL:

Do you have those in writing? Have any written testimony? If you could get it into me it would be great.

DR. JAMES _____:

It doesn't follow exactly.

SEN. COGHILL:

No, but do you have those specific points. I think they are very important testimony.

DR. JAMES _____ :

I also, one other thing, _____ to close my brief testimony, a letter to the Editor from this month's Pediatrics. How many pediatricians are _____ allegations of sexual abuse. It kind of goes over some of the same concerns I have.

REP. FURNACE:

In your No. 1 case, the young girl who _____ erroneous. Can you show us just how that happened?

DR. JAMES _____ :

Well it actually was, it was a Clamydia _____ test. A test for clamydia, which is a common sexually transmitted disease. At that time, this was test was felt to be a valid test in all age groups. _____ studied with children_____. What actually happened was that the test itself _____ erroneously. I found out a year later this test, a study was published on this test was totally invalid in children before the age of _____. A large _____ test, 20=30% of the children, having caused a test result in this test, culture _____. So basically it was a graphic a _____ logical

test. It was not an actual culture in terms of being normal bacteria _____. And the girl _____ cross reaction to this test acid _____ positive, so its possible the girl had clamydia, but in all likelihood she did not. So again the initial investigation _____ I chose to clear it up. _____. _____ the child continues to have limited visitation with the father and every time the child is home the mother questions her, did he touch you. And eventually after a year the child began to say when she came home, Daddy touched me. Mother would get all upset and the child had learned that this is what mother wanted to hear and she learned to manipulate her parents this way.

REP. FURNACE:

In this particular case, was there any tests of the father to determine if he...

DR. JAMES _____:

Yes, many tests were made. That happened in the very beginning. Every family member and everybody that had contact with this child was all scrutinized. Again, everybody had to test.

REP. FURNACE:

And the state still did not _____.

DR. JAMES _____ :

That's right. Now I don't know what the long-term outcome was both from the state's and client's _____. I've lost, I've since lost contact with this family _____ once the issue was resolved. The main issue was that the mother no longer was _____ and the father had visitation with the child. The parents were never married to start with. _____ at the beginning. Any other questions?

SEN. COGHILL:

No. Thank you very much Dr. _____. We will be in contact with you because your - this is the key to planning of the things that we're trying to solve, to get the family back in the _____.

DR. JAMES _____ :

One other thing I'd like you to be aware is the study or a survey that I made in all the Institutions in Alaska. _____ has sent out a mail survey in about 65 institutions in Alaska. And most of them sent me _____ back. It was not addressed for this specific question. What it was addressing was, under what circumstances do pediatricians feel obligated to report certain finds in abuse cases to the system? Specifically, so-called cases of children sexually abusing other children. In other words, a 5-year old who plays a game of doctor

with a 4-year old and they look at each other and touch each other. Do pediatricians consider that something they should report to the police and child protective services. And they answered and said "no." That's quite different from the way that the social workers _____, they see it as a real problem.

SEN. COGHILL:

Thank you very much. We're going to take a break and we're not going to come back at 1:00. We'll come back at 1:30. And Kathleen will get a hold of _____. We've got three confidential messages that we're going to tape. So, we'll start our public testimony at 2:00. And we'll get everybody tracked in. And I'm going to come back.....

Meeting reconvened

ZELMA CLAY:

My name is Zelma Clay. I'm a resident of Anchorage for two years. I've had an ongoing problem with Division of Youth and Family Services for 11 months yesterday. The child in question is my daughter. Her name is Jasmine and she was born October 19, 1989. I was, I tested positive, HIV positive in November of 88. In February of 89 I realized I was with child and I tried fervently with every agency I, to my knowledge, in this

town to terminate that pregnancy because of the HIV positive status. Jasmine was born on October 19. The Division of Family and Youth Services took an immediate emergency custody of Jasmine on October 21st. That is they took her from my room. Physically took the child from my room at Providence Hospital. And would not release her to me when I left the hospital. I was instructed at that time by the emergency worker the only possible way for me to have my child back would be to attend a drug treatment facility here in the city or in the state somewhere for a period of 30 days. I've taken UA's and showed that I was improving with my drug addiction. What I think is somewhat ludicrous and even absurd I might think for anybody in this country or worldwide to think that a 30-day drug treatment program will stop a woman who was not able to stop herself from using drugs while she was pregnant. Its quite impossible. A drug treatment program, as far as I'm concerned, is for the education or to stop young persons of making the person knowledgeable to what they are doing. There is no way by any means it would stop a person from using drugs. I relapsed in March. The child was taken back from me again and the child is still, I am still a non-custodial mother at this point. Jasmine, to my knowledge, is not being supported financially by anyone - not by myself cause I am homeless and unemployed - something that I do _____

the Division of Family Services, because prior to them removing my child from me I had a home, I was employed and the child was going to be my whole ____, my initiative to work harder on my substance abuse problem. In having to attend a drug treatment facility for 30 days there was no way possible for me to keep my job. ____it may impossible for me to pay rent on the apartment where I had been living in. I do not object, by any means to this state removing children from substance abusive parents. I understand that there are substance abusive parents who are physically abusing them. And I understand the state's responsibility to those children and to those parents to help them if they possibly can. What I wanted the state to understand is that people vary in their levels of sickness and their degrees of sickness. We are not all extremely ill to the point of violent abuse. When I was pregnant with the child I told my OBGYN that I had a substance abuse problem. I released, relinquished that information to him because I desired to cope at that time. I would not even told him if I did not want help, if I did not expect help from _____ profession. Wouldn't even have disclosed that type of information. He did not offer me help. He did not report me. He did not do anything for me as I expected would be done. And I sort of cringe thinking about the Exxon/Valdez, would anyone in this room have watched the Exxon/Valdez

run into that reef without trying to stop the captain. No, of course not, they would have told him or done something for him to avoid anything that would have been damaged. And I sought help. I looked for help. I was not able to get any. And I am extremely angry. At this point I have no idea when I'll ever get my child back, if I'll ever get her back. She's with my sister. My sister privately testified just prior to me getting here. I'm at a loss as to what to do to get my own child back. A child that I carried in my womb for nine months. I don't know what to do anymore. That is why I'm here. As soon as I saw this article in the newspaper, you know, I thought well after 11 months, Jesus I can finally talk to somebody and maybe even if nothing happens, then I've spoken and someone was able to listen.

REP. FURNACE:

They took the child and did the child test_____?

ZELMA CLAY:

Jasmine tested HIV positive. She's testing HIV positive, but right now because of my antibodies. What will happen with Jasmine, is that she will be tested until she's 2 years old. And at that time we hope that she will zero out, bottom out. That is, my antibodies will be out of her body. And then testing her on her

_____. At this point we don't know if its her that's testing positive or if its just my antibodies in her system that they're testing. So they do it for two years.

REP. FURNACE:

You did indicate that the, your daughter is with your sister now?

ZELMA CLAY:

Yes my daughter is with my sister. My sister testified earlier.

REP. FURNACE:

I'm sorry I was detained upstairs in a meeting. So at least your child is _____.

ZELMA CLAY:

Yes she does keep her.

REP. FURNACE:

_____ at this moment.

SEN. COGHILL:

Do you have visitation rights?

ZELMA CLAY:

I do have visitations. That's very liberal.

SEN. COGHILL:

Well you certainly have to admit that it took months for you to come forward on purpose on testimony and we appreciate that.

ZELMA CLAY:

_____ I love my child and I am doing everything. I walked here today. I live at the shelter and I've been living in shelters off and on for several months and its not that that brought me here. Its the love for my child. She is my child. I carried her. I know because I have a drug addiction or am a chemically abused, does that not mean that I do not love and care for my child.

SEN. COGHILL:

I understand that. What we seek here is that we can't necessarily help an individual case. But we need to make sure that this doesn't happen again. And we want to help people like you. That's why we're _____ here.

ZELMA CLAY:

Okay. That's why I'm here.

SEN. COGHILL:

Thank you very much. Harry Warner. Harry, welcome to our task force.

HARRY WARNER:

I have some material I'd like to show. Can I show it to you gentlemen here. I guess I better just read this.

SEN. COGHILL:

Well, if you want to, we can put it, we can submit this, Harry, to the record if you want to just kind of narrate. Just go down what, what you...so that we can just kind of ask some questions. And then if there is any, why we have your and your address on here that we can get a hold of you.

HARRY WARNER:

Okay. I didn't put my name and address, but before I leave I'll give it to you.

SEN. COGHILL:

If you read this, the, if you read it, Jeanne just got to translate so...just all you need to do is make a narrative of the ____ kind of skim through it, however you want to.

HARRY WARNER

Okay. Well actually what happened was in February. My nephew and his wife gave birth to a _____ at Providence Hospital. We don't know exactly how this was done, but somehow a drug screening test took place. It was not given permission to or anything like that. And a couple days later, well, Linda was in the hospital. They had a hearing, a court hearing while she was still in the hospital with her by phone. And the judge and the assistant attorney general, they determined right then and there without looking at her, without checking the testimony or the evidence, that she was a drug addict and they immediately took charge of that child. To begin with, she was, she was able to live with the child. Well, the husband went down to Homer to go to work. But they made her stay in town so that she could take drug testing 3 times a week. She was never told of any rights or that she could get an attorney or anything like that. Anyway, she finally got tired of staying around here in Anchorage. She went down to stay with her husband. She tried to tell the agency that she was leaving. She left messages, and apparently they got the message because after a short time down there they sent a social worker. They lived in a trailer down there on the spit at Homer. Her husband was working on the _____. And uh, sent a social worker over there and the mother was just stepped out

for a few minutes. They didn't have any ___ facilities in the trailer. She went to relieve herself and she left the baby asleep. The social worker come by and assumed that the baby was abandoned. Went and got the cops. Come over and under pressure made her let them search the trailer. Well, they found a beer and an empty beer and a very, very small amount of marijuana. Well, they made her go into town and under the pretense she was under suspicion for robbery in New York, they photographed her and fingerprinted her. They knew she hadn't left the state in months or years. Anyway, they went ahead and put the mother and the baby in a home down there, two of them, where they stayed for about a month I guess. And the mother and the baby come to town so the baby could see a doctor, and they also wanted her to go to a rehabilitation center. She went out there. They kept her overnight I guess, and they, just before she was scheduled to be released, they give her some forms to make out. And these were forms that were made for ___ addicts, you know. She didn't know that they _____. But anyway, you could see that they was made for an addict to admit that he was hooked and this made no difference to her. She couldn't fill them out. The supervisor out at the rehabilitation center called her caseworker and told her, told the caseworker that she couldn't fill out the forms, so therefore they couldn't help her. The caseworker told the supervisor

out there to hold the mother and child another 24 hours. The next day while she was preoccupied, the mother was preoccupied, they took the baby and put him in a foster home. And the only way that they could see the baby was through appointment once or twice a week. Now I'm the uncle. In the meantime, I went back and got the agency to let me take the child, so I have the child now. And the mother can't stay, the parents can't stay overnight, but they can come all the time during the daytime. I don't understand this. In the report here, I can't see, if they're taking this kid for the protection of the child, what are they protecting him from. They already goofed everything up. When they took the child the mother was breastfeeding him. And under those circumstances she could have maybe contaminated the kid. But she can't anymore cause the kids on a bottle. What is she going to do with the kid, even if she was doing drugs, which she's not. There's so many things here that are at least unprofessional, that I can't believe that this outfit has got so much -- where do they get off doing all this to a family. The girl is a young Puerto Rican girl. And, sitting right there, and all she did was take a couple puffs off a marijuana cigarette when she was pregnant. I've known my nephew since he was born and I think that he probably messes around a little bit with a little marijuana once in a while. But he certainly isn't

addicted. He certainly wouldn't be down there working or working today where he's at if he was an addict. I just think that I want you folks to review. I give Mr. Furnace, I talked to him on the phone several times. I'd like the opportunity to thank you for your concern. It just, I don't understand where, how that they can do this to a family on some sketchy evidence. And we're not giving the young couple an opportunity to even say anything in evidence themselves. They said hey, you're guilty. You know, we're taking over here. And that just happened. They were invited to the court hearings, but they wouldn't ask anything and they wasn't asked to get up and say anything. Just had to sit there and listen to people make decisions for them. Is there any questions?

SEN. COGHILL:

Well, yeah, you've asked two or three questions Harry back in the testimony that I think are pertinent. And I think that that's where we're coming from, the task force, is...are the DFYS people _____. This seems to be a thread that's going through the whole testimony that we've had today. No they're not. We need to have proper training and they've got to be professional. The problem is that we've heard two or three stories today where the indiscretions were made and _____ and something like this is just a carbon copy of that.

HARRY WARNER:

I'm sorry I couldn't get here sooner.

SEN. COGHILL:

_____the best interest of the families and be consistent with the Constitution. The family laws or the child abuse laws are all made to protect the family, protect the child. And there are real cases where the child needs to be protected.

HARRY WARNER:

I can see that and I've seen.....

SEN. COGHILL:

But yet there has to be some kind of a procedure where the...if you're accused, or your daughter or your niece is accused, that you have due process immediately instead of this taking the child and having them be _____and so you've got some good questions here. And should the DFYS workers be held accountable for their actions? You bet. I think that the biggest problem that we have in our state agencies today is accountability of actions of all of the people that work in state government should - they should be just as accountable for their actions as you and I.

HARRY WARNER:

I, you know, they've done things here that I think that were at least unprofessional, at the very least. And worse.

SEN. COGHILL:

Thank you very much. And we'll be.....

HARRY WARNER:

If anything comes up here, any decisions, will we be kept informed of anything you might be doing, the whole situation?

SEN. COGHILL:

That's correct. We're trying to get that. And the reason for these hearings to get you on record is so that we documented proof when we take it to our fellow legislators that there is a process that says here's the evidence. If you don't believe it. Harry, we need to get you on record, your address andGive us your name and...

REED _____ :

Reed _____, attorney in Anchorage and I represent Mr. Warner. Rather than duplicate some of the statements that Warner just made, I'd like to add to this. The state, of course, gets involved in this type of case when the care facility, in this case Providence

Hospital, calls and says we have a situation where a mother may have used a substance during the course of her pregnancy. One of the problems that further complicates this case is the fact that somehow DFYS got involved with the Warners and their child Sarah, but there were a number of other babies, were not Hispanic babies, not Black babies, who were similarly situated and did not get involved. Did not have DFYS involved in any of their cases. Now certainly the first group to look at in this situation is Providence Hospital. But because Providence has such interaction with DFYS, if Providence Hospital is going to discriminate against minority babies, then I think that this state should be concerned about it. And I want you all to be aware that is happening. Now we are in the process now of trying to gather the information to support this allegation. I can assure you that once its gathered, we're going to make sure that DFYS knows about it. We're going to try make _____ knows about it, and Providence Hospital _____ we're substantiating it and _____ probably one person or probably two, some others who admitted that they used marijuana in the course of their pregnancy, but nevertheless, (baby crying) get involved in their case. Now, we don't whether or nor DFYS was notified. So, maybe they didn't know. But if they did, and believe you me, I've reviewed one part of the Warner file, I believe, to get

my hands on, and DFYS has been all over this poor mother. And I spoke with the social service person in Homer, Ron Harper. I've spoke with social service worker in Anchorage, Jane Richardson. And they both agreed that Linda is a very good mother. That's exactly what they said, "very good mother." But nevertheless, she's going through what she's going through because she doesn't admit that she is an addict. Now, she has had to urinalysis test. She's been doing urinalysis tests for some time. An addict will turn up a number of positive uninalysis tests in a small period of time. Somewhere along the period of time there was an allegation that she turned up one dirty UA from marijuana. Her position is that that did not happen because she doesn't use drugs anymore. That her interest lies with her child. And I think that's supported by the fact that they are willing to admit that she's a very good mother. Its a shame that they interrupted the breastfeeding process. Now, I've done a number of children's cases and I know for a fact that when a mother is breastfeeding, generally, they will say she will be on your urinalysis testing, and if you turn up dirty UAs, then we want you to _____. Now once a urinalysis test has been challenged, and I think given the long period of time that she was on urinalysis testing and came up completely clean, if she were addict as they want her to admit that she is and

she is not, then she would have turned up a number of dirty UAs. She did not. But nevertheless, because of that one urinalysis test that we challenged, she has not been able to live with her child. She can visit the child, as was testified earlier. But she can't live with this child. And this is a new baby that needs its mother, that needs its very good mother. So I submit that the process is subject to substantial abuses and I really want to, I really want DFYS to know that if they are in knowing the acts of Providence Hospital, we don't even know at this point why Providence Hospital chose to test Linda for marijuana to determine whether or not she did use marijuana. My understanding that as far as they was concerned, that they did not find the _____ substance in his blood. Now that might be wrong, I'm still waiting for medical records. But my understanding is that the child did not have this substance in its system, but however they somehow found a trace of it in the mother's system. Now sometimes you got to understand how marijuana works. Marijuana can stay in your system for a long period of time. And if that's the case, and this child did not test positive for marijuana and she's a good mother that they admit that she is, then I think that there's been substantial abuse, unnecessary heartache concerning this family. Now in addition to that, they want the father to be tested also. They want the

father to go through the same kinds of changes of the mother, and until he complies, then they don't want, they don't want this family to live together as a family unit. We're going to look into all of this. My hope is that this committee will look into it because I think that if we can cite even one case of abuse here, there's got to be a number of cases out there of abuse that need to be rectified. I know that the agency says that they're overworked and they probably are, but I think that they contribute to some of that by cases like this that don't need their assistance and intervention that they are putting into it, that they could be putting into the cases that really need assistance and help. And we've seen cases where they haven't put enough effort into were tragic results. So our position is that we hope that this committee will look into this allegation concerning the Warner family. And certainly get back with us, we hope. And in addition to that, we hope that other cases will be looked at. And I will leave my card here with you. And I hope I will get a card from you so that I can keep in touch with you and you can keep in touch with me.

REP. FURNACE:

It was my understanding that the child did not test positive for marijuana, but I know in the testimony that _____ mother tested positive for marijuana.

_____ needs to address the _____. In my reading I'm aware that cocaine transmittal can have an adverse affect on the unborn fetus and the child. To you knowledge, is there any documented evidence of damage to a child, either to personality or to...before birth in terms of contact with marijuana.

REED _____ :

We have not gone that far in the research in this case, so I cannot answer that question. We don't have the foundation of knowledge. But there are people, I'm sure, that I can get that information from. And I think for this portion of this case I may end up with that.

REP. FURNACE :

I believe the most recent study that I recall is that there is no documented evidence that mother can harm the child through breastfeeding because of marijuana.

REED _____ :

And I'd like to say this that at least we start with the premise that at least in Alaska, at least at this point in time, the use of marijuana is certainly legal to begin with. I mean we're not talking about a drug like cocaine or heroin or other controlled substances. In addition to that in this particular case, we're

talking about a mother who has indicated clearly that she won't use the substance while she breastfeeds; has a clean record except for one UA that she challenges that was taken at the place that wanted her to admit that she was an addict, under a situation that did not have the proper controls. The container was not sealed in her presence. They are normally sealed with a tape or signaturred in her presence. And that's what is required if you're going to have a sample that you can test and rely on. My client will be willing to testify under oath that this system was not followed, and also under oath that she has not used the substance since first, since being notified that this would be a problem for her.

SEN. COGHILL:

We'll get back to you. We've got your card. You can keep in touch with this task force. We're trying to get a whole raft of things to put together for the next session of the Legislature. With Walt's help, we'll make it. Thank you very much for your time.

REED _____ :

Thank you in advance for your help.

SEN. COGHILL:

Don Alder. How are you sir.

DON ALDER:

Thank you sir. Hello, Sen. Furnace, how are you doing?

SEN. COGHILL:

Not yet, we're working on it.

DON ALDER:

_____ I noticed that I, I looked at the results of the primary and your _____ from District 15 and I noticed you're very strong in District 14, but that there was some variances in District 15 where your opponent, I say that lightly, kind of got ahead of you there.

SEN. COGHILL:

We're working on that.

DON ALDER:

My testimony is not going to be factual other than some observations that I have drawn some conclusions from previous testimony and from of the testimony here today. What I would like to do is lay out some suggestions, some ideas that I have about what maybe _____ reform the structure in family law, government agencies, family court. I'd like to touch on family court just by, I don't mean to get involved in the whole problem, but I would hope to be concentrating on the

agencies themselves. I hope it _____ finance committee with testimony.

SEN. COGHILL:

You'll be submitting written step by step for us?

DON ALDER:

What I will do is I will submit it just as I did the last time around. Give a verbal and then the written.

SEN. COGHILL:

Fine. Thank you, go ahead.

DON ALDER:

Thank you very much. I believe that the Alaska courts and social service agencies are well on their way to completely assuming an _____ role in the Alaska family to their detriment. I believe that these agencies are realizing funding from the state and federal governments as a consequence. I believe that officers of the court are committed to piecing apart the family in court to keep their law system in place because they realize fees for their services that victimize families and children of divorce and separation, resolution. The result has been profit making and biggest "industry" in the state of Alaska _____. But the profit has been in the creation of human misery.

Children are separated from one parent often by design. Child support payments are held at an agency charged with enforcement and collection of mandated payments. Child support payments are often averted to _____ what the best interests of the minor children. Often the children are pawns in power games divorced and separated parents often play against their children. It goes without saying as to who suffers the most. But it is emphasized again, again, and again and again, the kids suffer the most. The kids suffer the most. State agencies often operate on an agenda that favors their funding at the expense of the best interests of the children. State agencies often work to maintain their financial wellbeing while causing hardship for one parent or the parents of a second family. No _____ conspiracy, just a bureaucratic survival of the fittest instinct that dispenses the most vulnerable members of society, the parents and children who survive divorce. No government social service agency can substitute its clumsy judgment for that of a father or a mother. In Alaska, undue governmental intrusion into families of divorce especially, have been needless, abusive and outrageous, as testimony at previous task force hearings already proves. This government intrusion serves to break up families and burdens all welfare and social services agencies all the more in Alaska. Yet bureaucratic budgets grow, and even though numbers of social

workers are hired to meet the caseload, who can say that problems are being alleviated just by looking at the ratio of caseworkers to caseload. I believe the conclusion is easy to draw. The Alaska family court, family law system perpetuates itself by insuring that families of divorce and separate and second ___ families that succeed families of divorce never leave family court jurisdiction, never leave DFYS surveillance, never escape the clutches of CSED and of course, more families have been added each and every time divorce and government intrusion into the family occurs. In short, the government becomes a shadowy, often sinister presence in the Alaska family, assuming parental roles it was never meant to assume and has not been equipped. The role of government has been to keep families dysfunctional in Alaska to feed the bureaucrats and attendant officers of the courts. How many social workers? Most social workers are employees of a government agency, or of a publicly funded private agency. How many social workers are single? How many social workers have chosen their careers over marriage or raising children in a family context? More to the point, how many social workers know how children develop and mature, not only physically, but also emotionally, intellectually, mentally and spiritually in the family. Moreover,end of tape 2....

....the social worker or that social service agency be qualified to look out for the child's best interest as _____. That social worker may prove to be a greater detriment to the family to the parents and to the child than divorce, physical or sexual abuse, or even a _____ pediphile judge. I maintain that all social workers are unqualified to takeover parental _____ in the family context. And under Alaska family law, government paid social workers and government financed public and private social service agencies have usurped parental _____ young children in many Alaska homes. Often on the basis of hearsay alone. As presently _____ Alaska family disregards the _____ order of the family which best support the minor children of parents with the father given _____ authority to protect and rear their children in concert with their mother. _____ Alaska Family Court, Alaska Family Law, Alaska Social Service Agencies, and the Guardian ad litem must be reformed and restructured to restore that God ordained order. And I follow this testimony with about six different suggestions here and I will summarize them in short.

The first suggestion, keep the basic family _____, father, mother, and children we're defending, not them. _____ as a presumption that was rebutted by the actual evidence, I mean actual evidence of neglect,

sexual and physical abuse - not hearsay evidence that assumes guilt of one parent or both parents. Restructure family court as a non-adversarial forum in matters that involve family and child custody matters with compassion and procedural fairness for the family members paramount in all decisions. And likewise institute the same standards of passion and procedural fairness in all Alaska social service agencies, public and private.

SEN. COGHILL:

Ron, your...was that three?

RON ALDER:

That was number two.

SEN. COGHILL:

This restructure the family court, are you suggesting that the family court be kind of set aside as a specialty court and then we have training of people and trained...professionally trained people within the structure then having another agency. In other words, not just a social service court room, but a specialty in family affairs. Totally..... I agree with you 100% to keep the family together. That's the idea. That's the foundation of the structure.

RON ALDER:

My understanding of the family court, myself right now, is it really _____ the case than legal matters, not with the laws and the statutes. Anybody with ___ law can _____ if they are involved in these kinds of cases comes before the _____ court. I would go with my recommending that yes, there should be specialized knowledge in family court. It should not be treated as a separate legal matter as it would be say a civil or criminal case. So, I covered that point. 3) prohibitive use of non-custodial parent's visitation rights, develop reasonable cause by any parent of divorce, dissolution or separate, regardless of gender. Sanction such abuse as felonies. 4) Train social workers in child development classes that emphasize parental rules in the family and stress child development in the family not outside. 5) Reform and restructure Alaska social service agencies to reduce an excessive financial liabilities of, and eliminate _____ bias against any one parent, and against parents of second families. 6) Sanction as perjury any false allegations under oath named by any social worker, subject any agency head or intermediate manager or executive director's sanctions, if that person knowingly _____ or causes perjury to be _____. The long nightmare of abuse in Alaska Family law and the agency Division of Family and Youth

Services must _____ or Alaska's society will be
prey
to future crimes and misdemeanors by our posterity
which will make recent vandalism against churches tame
by comparison. More to the point, agendas by groups
and agencies under their sway help promote bias of any
kind against the family to preserve and protect whole
empires at the families expense must end. Else, Alaska
society will be worse off then before. Frankly, I
prefer that abolishing of "empires" as opposed to the
destruction of Alaska's society that's orderly and
"family friendly." Let's enhance the "family friendly"
society in Alaska. Sen. Coghill I'd like to thank you
for chairing this task force and holding meaningful
hearings. The fact that you are the Republican's
standard bearer for Lt. Governor is proof positive that
your word so far has not been in vain. So _____ as a
cause for record, I hope your new running mate will
help it end on behalf of all Alaskans. Thank you very
much for your time.

SEN. COGHILL:

Thank Ron. We'll....I think that you targeted this
definitely and very well put. There's two or three
things in there that I'd really like to get...have you
got a copy of that. A copy you can get it to Kathleen
so that we can track it and

RON ALDER:

I've handwritten copies here, but I don't know if its legible. I would like, if its okay with you, to type it up and submit it as part of the written _____.

SEN. COGHILL:

You can do that. I am going to have to leave. Rep. Furnace will take over the hearing. And then you go ahead. You've got a teleconference, and I don't know how many after the teleconference and then we can start at 9 in the morning. Dave is here now.

REP. FURNACE:

Dave if you will, state your name, spell your name, address for the record. We will appreciate.

DAVE GURICAN:

The last name is Gurican. G-u-r-i-c-a-n. Address for the record is PO Box 1085, Girdwood, 99507. This is the third time that I've testified on these different matters and I want to touch base on free state agencies just briefly. I'll start with the Child Support Enforcement Division and what my experience has been with them....the Child Support Enforcement Division ___ really ___ to help families by enforcing support payments. The director even put a plaque up by the receptionist desk congratulating the state agency for a

record breaking year of collections. I saw that this last time I was at the office. I was amazed when I saw the plaque because what occurred in my case, which was, they were trying to force me to pay not only support for my son, but my son's mother's welfare and my son's mother's other child's welfare. In order for me to get to a meeting to talk about this amount of money that they said I owed, I had to sign a document that in fact I was admitting that I owed the money. I signed the document and I had the meeting. I went in and my bill went from \$16,000 to \$8,000 by mere conversation. The following month it was back to \$16,000 and they continued to bill me her full welfare payment for about a year and a half. My persistency settled the issue. I've been in the construction industry for 15 years. I believe that the process the Child Support Enforcement Division has is actually destroying families, separating families before this scare tactic that they use. I know of several men_____that I've talk to over my contracts over my jobs over the years, that walk away from this process. They don't know how to deal with it. Something needs to change. Okay. The next agency I'd like to talk about is the Office of Public Advocacies. They got involved in my case in September of 89 because of mere allegations by my son's mother. They appointed, the court appointed the Office of Public Advocacies to act as a guardian ad litem for my son.

In court they gave a contract to Judith Ann Bridge, who is doing business as Guardian ad litem Services, Inc. I was her first case. In fact that she was lightly trained and unsupervised, and she was not held accountable for her acts or for her omissions. The only way that I get her removed would be to hire an attorney and argue to the court. My contention was that there was bias. 11 months passed and numerous letters. Hired an attorney to argue her report in order for him to protect my character from her allegations. I had to _____ one of the individuals, which I done. I could do no longer afford an attorney so I'm doing this on my own. She was removed as the guardian in the case and a new guardian has been appointed. A mere allegation resulted in the State of Alaska something that built, for a guardian ad litem, which to me was a waste of state money. Allegations without facts create this bureaucratic expense in the state. But I do have a new guardian ad litem involved in my case. He gets paid two-thirds less than he normally charges. He is limited to do 30 hours of work, to make the report or recommendation to the court concerning the case. I just believe that it was an abuse by the Office of Public Advocacies to contract out to an individual paid by the state where there was no specifics, where there's no guidelines, where there's nobody making them accountable. Then the last state agency that I'd like

to talk about is DYFS and I strongly believe that we need to have some statutes that pertain to emotional abuse. Its my understanding that there are none and often times emotional abuse is far worse than physical abuse.

REP. FURNACE:

Dave, I appreciate your coming forth. The intent, as you've heard, is to get as much of the testimony we can. ___ we'll be compiling this to Kathleen and her assistant_____ for the assimilated information to go to the legislation in January. We have an opportunity to inform the legislative committee - this is a task force - and the legislative committee will hopefully develop legislation that will address a number of concerns. In fact, you may see several pieces of legislation coming through. The whole idea is to get the facts on the record so that we can go back and we can speak to these things regarding families and we can reach out and say well, that's not the case. We've heard too many instances where there is something to the contrary. So what you're doing here today is very very important in providing the basis to change the rules. So we appreciate your time and effort.

DAVE GURICAN:

I'm glad I'm able to come in and testify. I think that this is a good positive step forward.....and we as a society always have room for change. Nothing needs to stay the same, especially in this progressing technology. I'd like to add one more thing. And its reflecting - when you're put in this position to use the system to settle a dispute between two people that have a child, if the court system used Custody Investigator's office and uses the Guardian ad litem program. The guardian ad litem program represents the child interest. The custody investigator's office represents the state's interest in that child. But the judges lean on these two state agencies, or the one state agency, the Custody Investigator's office write the reports. And they need that in order to make decisions. So it sort of appears. And if a guardian ad litem or custody investigator isn't for you, then they are shooting arrows at you is what I see. And I believe they should be made to made accountable for the decision they hold. The office of Public of Advocacy has a caseload of 300, approximately 300 cases per individual. So they look for volunteers and they look for letting contracts out to them.

REP. FURNACE:

Thank you. Dennis Niles. Please give us your name and spell your name for the record.

DENNIS NILES:

Dennis Niles, N-i-l-e-s. And I operate Family Support Services here in Anchorage. I do independent custody investigations away from the state court custody investigator. I also do counseling, their agent for counseling for children and parents that are involved in divorce or trying to keep the family together. I have dealt with the Department of Family and Youth Services not only here, but the equivalent in the states of Montana and California. Alaska DFYS is in shambles, but it is in good company because every state in the union has a DFYS equivalent that is equally in shambles. I see before me from first-hand first-hand knowledge an organization that operates with complete autonomy and in secrecy. The _____ organizations that come to my mind that also operate this way are the KGB and the IRS. I find this type of attitude where it concerns our children frightening. I am dealing with people everyday, who if they knew how to get the rights answers, would not know what to do with the information. And I see children falling through the cracks every day. The personnel at DFYS ranges from the poorly trained and the just plain incompetent to highly trained and skilled individuals who must labor under a bureaucratic nightmare. There is a lack of _____, there is a lack of supervision of these people, and it would seem to me that the investigations that I have

dealt with are done in a haphazard and incomplete manner. Its my feeling that the basic problem with DFYS is of a philosophical nature. Their bottom line is to reunite the families. That may sound good on the surface. I believe it goes much deeper then that. Sometimes this is true and sometimes it is not. The bottom line it would appear to me should be what is best for the children. For that reason I think there needs to be a citizens watchdog committee over DFYS. There are three broad categories of parents it would seem to me. The first are those parents who become snarled in the DFYS nightmare due to circumstance. In other words, things in the home appear to be what they are not. They are turned into DFYS by vindictive neighbors, children, and other family members and allegations are made based on lying, rumor and innuendo. These people should be cleared from the system immediately. The second group of parents are those who unfortunately do abuse their children and neglect them, but they are open to doing it a better way. They are open to change. These parents would benefit from parental counseling and whatever other help is available to them and then the family could be reunited to the children's benefit. The third category of parents unfortunately is the fact that some people just shouldn't make babies. And if they do, the child pays the price. These families, perhaps, should never be

reunited. Perhaps they should be reunited under extremely close daily supervision. Perhaps they should be reunited when the children are older. It would seem that a watchdog committee for every single case would be mandatory. This committee should be composed of five to seven individuals. The basic skills of the committee should consist of an educator or child development specialist, a psychologist, a judge, a physician, and lay member from the community who is also a parent. If the committee is comprised of seven people then there should be two additional lay members from the community that are parents. The court system relies on a statute called _____. In it was established the criteria for the best interest of the child. What are the things that should be looked at? Social and emotional, physical environment - there's a whole list that were established in Daisy vs. _____. The bottom line is what is best for the child. I will tell you now that in six years of practice, I rarely see this as the bottom line. I see parental interest as being tantamount to anything else. I see bias within the system. I see court custody investigators who are extremely guilty of bias, for whatever reason. I also see individuals who's workload spread so thin, that even though they are qualified, they become incompetent because of the system. The state DFYS has become a lumbering beast. It can no longer make

objective good decisions involving the best interest of the child, because it must lumber forward under its own weight dragging itself as it goes. The system should be streamlined. A watchdog committee should be established in every community where DFYS functions, so that every child is looked at closely and scrutinized carefully and not allowed to fall through the cracks. And, where families can be united and it is appropriate to do so, then that is what should happen. Where it is not appropriate, where the child will be in danger, then those families should not be reunited. And I thank you for having a chance to speak out. It is something that has bothered me for a long time.

REP. FURNACE:

Thank you. Are you serving the _____ submitted into us.

DENNIS NILES:

Yes. These are just some notes. I'll retype it and submit it.

REP. FURNACE:

If you would we'd certainly appreciate it that. And based upon your personal experience, you do this...

DENNIS NILES:

I do this for a living.

REP. FURNACE:

...a living. We may be able to call upon you again.

DENNIS NILES:

I would be more than happy to help in any way I can.

Thank you.

REP. FURNACE:

Thank you. Is Steve Strube....Steve, are you ready?

I'm going to make a real quick call for a second.

STEVE STRUBE:

...When charges for abuse, neglect are dropped, often the agency that files charges claiming dependency, and dependency, the, its own intervention created. The family should be immediately notified of any charges of child abuse. Appointments should be set up for immediate interviewing of all persons involved. No child should be removed before an onsite contact with the entire family has been made. If a child is doing the reporting, other siblings should also be questioned as to reliability of the child making the allegations. Investigators must be required by law to conduct each investigation solely on the facts, and must be required not to insert their personal opinion on the accused.

To do anything less seems to inviolate justice for the accused and contempt for the law. All interviews should be taped to ensure an honest record. Reports must not include statements that suggest expertise in the area of psychology or psychiatry since child protection workers do not have degrees in those areas. Case must be available to defendant's counsel. 3) It would be less stressful for the child if the alleged perpetrator were first asked to leave the home during investigation. Also mandatory time schedule for the investigation must be implemented at the outset so as not to abuse the rights of the accused and the alleged victim by needless separation of the family. 4) No child should be placed in foster care when the parent can offer alternative placement. If removal is the only solution, supervised family visitation should be mandatory. Siblings removed from the home must be kept together unless countermanded by the juvenile court, or in this case Superior Court. A recommendation by the child protective services caseworker for separation of siblings is insufficient cause for separation. 5) If social workers are allowed such unlimited and life altering powers over us, we believe they should be competent and compassionate enough to handle the responsibility. We demand social workers be required by law to be tested at least once a year on the current child abuse laws, including the policies and procedures

of their agencies. They must be aware of the long-term severe emotional damage inflicted upon innocent children and innocent adults as a result of over-zealous intervention. In a case where a child is not in a life-threatening situation and where there is no evidence to substantiate the alleged abuse and or neglect, the worker must, by law, allow the family to remain together. Mr. Chairman, I'm going to introduce as evidence the remainder of these suggestions and be submitted that way in the interest of other people being able to speak today.

REP. FURNACE:

Thank you Steve, we appreciate that. Those suggestions are very interesting. At this time then, there is no one here. Let's go to teleconference and we take _____ in Nome.

_____:

Mr. Chairman. This is _____ in Nome. (Problems with teleconference transmission.)doesn't have to do with DFYS, but has to do with a custody investigator.....a custody investigator is.....and (can you hear me)....alright.I told both of them and the psychologist, Dr. _____, that is the psychologist, and the custody investigator said I had to go to, we both had to go to, well, my ex told the

custody investigator that I wasn't all there. So I went, we both went to her, and I told her things like he was sent to jail for _____ and it was not put into the evaluation, Dr. _____ Crouch said that I abused him and that was one way of him not returning home because I abused him. He did not say anything about the report I told the custody investigator and _____ Crouch. And the thing, he had given my daughter and she is 3 years old, he sent her to Texas to live with her older girl. It was not put in the report. And I had gone down and got her and then I got beat up for that, for going down. It was not in either the custody investigator's report or the psychologist's. The psychologist said I had 8 children, the reason I had that many was because I wanted to hang onto my husband. Now that, she didn't ask me why I had 8 children. And then for her to, her psyc...the psychologist _____. A psychologist is a doctor and is supposed to help people....but when you go into court here you go into a psychologist and it is.....the custody investigator wants a person to have a child, that is who gets the child, no matter what, no matter what's true or not. And that, this part I'm just concentrating on, the psychologist. And then once they start saying that you're not all there, which the first psychologist that you get sent to, that report is the one that gets all over to everybody, and that is where I cannot have any...I can have contacts

with supervised with somebody writing down what I say in Texas. I went down there for two weeks this summer. And she's 11 years old. I got just about 6 hours with her altogether. 3 hours at a time and with a supervisor standing there writing down everything we would say or do. And all the time nothing has been proved. Nothing has been proved in court that I abused her or just the allegations that I don't even know, maybe the custody investigator makes her own things, because the last report she sent down there because I had turned the psychologist into the Texas Board down there because he wouldn't let me see...write to her or anything and so I turned him in. And then he wrote, he called the custody investigator up here wanting the reason and why he was doing that to me. So she wrote back to him and told him that I was in the hospital in 1977 for 6 months and I was in the hospital again the last time in '86. Well I've been working for the Post Office since January of '75 and I have never been hospitalized for 6 months in my whole life. I had been hospitalized in '77 for a ...a sinus condition and it was for 5 days in '77. And for the custody investigator to make up things and write down the reasons I why I can't see her, and its over two years and now she's 11. By the time the truth comes out, she will be grown and won't be _____ to come back here, because they keep _____ over two years and I'm working up here. I don't

have any money to _____ going back and forth for Christmas' and summers. So actually this happened because of the custody in my ex-husband and he didn't want her to live with him and his new wife, so she's got to stay in a home for abused kids. And they, what they did, the court _____ and anyway, she don't want to live with my ex-husband. So they gave him a paper, they gave him custody, but they gave physical custody to the home for abused kids. So that way they can legally work out where he has custody. But actually he doesn't have physical custody and I appreciate that _____ because I know what it feels like being accused of something he didn't do and _____ repercussions, just like being a criminal. And I say bring me to court, prove what I did to abuse her. Prove anything. But in the court I went to, we did not prove anything. Nobody testified except the custody investigator. And then when she did testify, they found out that she had left out where my exhusband had gone to jail and they had found out like _____ against him. They didn't bring out any of that. She did not say anything that they against him. So, its _____ why...doing this kind of work because now she's grown. She'll be grown by the time something gets done. Thank you.

REP. FURNACE:

Thank you for your testimony. Do we have anybody in
Nome in at this time.

_____:

Can you hear me? Yes, my testimony is primarily directed towards the Child Support Enforcement Division. When you walk into their offices, the first thing you will probably will notice on their wall will be a newspaper article of the first man that was sent to jail that was saying he would not pay his child support. Their director has ordered the rest of the staff to hang the same newspaper article on _____ where they work. So they have a mindset as to how you're going to get and what kind of help you're going to get. My concerns are that of procedure by the Child Support Enforcement Division. Last year when I went _____ for my first time and just basically _____ and the child support payments continued to grow as I sent in a token \$150 month which my former wife had agreed to was acceptable and was signed. And so it was consented to basically. But, upon getting my first paycheck for completing a project, I sent 55% of the money to the Child Support Enforcement people. Shortly after they received this, they attempted to seize the other 45% by seizing my bank account. I managed to get that money prior to them getting it out. _____ my \$1,000. Paid off in full and in advance of my child support. Two

months after I had paid, Ann was still paid in advance, they came to my new employer and began to garnish my wages. This created unnecessary accounting for the employer and I, and _____ it will lead to discrimination against people who are paying child support, but they've all grabbed IRS refunds and Permanent Fund refunds, which are probably due to the other party, but notification to me that they were going to take it would have been appropriate. There were other points _____ still being _____ today and they grabbed half of my unemployment checks never bothering to inform the agencies who were withholding my money that I was paying in good faith. One of my major fears is that if I were to find a new spouse is that her income would become a factor in my _____ payments to the children. I do _____ a percentage. Even my annual income, last year I spent almost exactly as much money in what I received and paid. This year I have spent \$11,925 into the child support people with a net pay of \$14,000. I do not agree that the child enforcement division has the interest of the children in mind. I've written and asked them to provide me with the social security number of my second son for my records, and they basically tell me that they only get involved in collecting money. Having gone the agency such as the _____ the child support enforcement division, or the _____, if that's true I am

concerned about what is going on with other people who are in the same setting. If there was, I think it is for you folks to _____ 90.3 into a law which isn't adopted by case law. As you guys manage to.....the child support enforcement is hiding behind a phone system which _____ getting into the first _____. I really sincerely feel that they're _____. I really have nothing else to contribute except that there procedures is overwhelming. _____ garnishing you wages, that's not fair.

REP. FURNACE:

Dave, is that your testimony?

DAVE:

Yes it is, thank you.

REP. FURNACE:

Thank you. If you have written testimony, if you'll pass it to the moderator there in Nome, and they'll send it down to us. We would really appreciate that. At this time let's go to Mat-Su. Would the person there please identify themselves for the record.

WILD Bill:

Yeah, Wild Bill here how you doing?

REP. FURNACE:

Very good Wild Bill, let us have it.

WILD BILL:

_____ Thank you, and God Bless.

REP. FURNACE:

Well, this is Walt Furnace, Wild Bill. Jack had to go to a meeting. He will be back tomorrow.

WILD BILL:

I want to, I need to ask you a couple of questions then.

REP. FURNACE:

Tell him Jack's not here.

WILD BILL:

Okay. Is that you Walt?

REP. FURNACE:

Yes it is.

WILD BILL:

Well, Walt, _____ I'd like to leave you as a wrap up, okay.

REP. FURNACE:

Be careful now Bill. You're on the line, people are hearing this.

WILD BILL:

Well, its okay. The first four letter word I ever learned was love. God bless you all. Walt, are you familiar with my situation with the court system in Alaska?

REP. FURNACE:

Yes.

WILD BILL:

You aware of the 115 ____ affidavits I sent in a couple weeks or a month ago?

REP. FURNACE:

Right.

WILD BILL:

You are aware that my family got totally crucified. Their _____ simply because I am _____ against Carlson?

REP. FURNACE:

Yes, its on record.

WILD BILL:

Walt, what can an angry citizen do when attorneys totally abuse their control of the judicial system and _____. Now I've been bedridden by Dr. Gordon(indiscernible)... What can angry citizen do to get justice on grounds like this when you're dealing with such filth?

REP. FURNACE:

That's a tough one Bill. I understand where you're coming from.

WILD BILL:

This has all _____ for 17 years, since 1976 this happened, and not a single lawyer or a judge in the State of Alaska has disavowed anything that I had to say.....what can I do?

REP. FURNACE:

Its a tough one Bill, but I think you are probably the most knowledgeable on this subject than anybody that I know. Mat-Su are you still on?

WILD BILL:

I have a motion _____ and I couldn't move them for nine months and two (indiscernible) Everything that they asked for. _____ destroying my court case.

_____ premeditated attempts to kill my wife and my child because _____. This is proven in other testimony in Ken Hinchey's case. _____ and goes on to say he was the hit man for Carlson when his son was _____.

REP. FURNACE:

Well, go ahead Bill, we hear you.

WILD BILL:

Well I was waiting for you to say "wow" or something.

REP. FURNACE:

We're having a problem with the system here Bill. You're coming through okay, but when we try to interact from this end it has a tendency to disrupt the system. So it'd probably - what we'd like to at this point is get the testimony on. Me trying to interact with you keeps messing up the system here. Go ahead. We appreciate what you've got to say. Did we lose you Bill?

WILD BILL:

_____ there is ___ powers to bankrupt me and there's no way I can defend myself other than killing them. How can I defend myself. Like right now, I have been, the last two years, I have had _____ two judges.

One judge could only give me an hour and a half to describe the _____ or not. And then that was when they tried to blame me for jury tampering because I protested_____. That's why they phonyed up that jury tampering charge against me. And that, that's _____ with me. The only reason they dropped the charges, all six jurors _____ in the State of Alaska because none of them had a single complaint about me. But the state phonyed that up that I was tampering with the jury. How does a man collect damages from me now. How is the man continuing at all? Presently I am in the court on just a minor issue and I was _____ by Judge Hunt. (indiscernible) ...the other judges, I have no ways to bump any judges or anything if they are _____. How do I get justice Walt, without shooting somebody.

REP. FURNACE:

Well, Bill I think you have the answer to that. In fact you described it to me quite aptly in my office a couple of days ago.

WILD BILL:

Well.....the attempts against my wife and babies and my parent's life...using our taxpayer's money to defend these people in federal court. I have no comeback whatsoever. Okay. I'm talking too loud here the young

lady just said. My ears are affected, I can't hear Walt.

REP. FURNACE:

Well, go ahead___ it's coming through okay.

WILD BILL:

(indiscernible.) But Walt you're aware that there's 80,000 of us that have _____. If we do not contest this in that court, we're going to contest it if we have to take the law into our own hands. You're aware of that, aren't you?

REP. FURNACE:

I hear what you're saying Bill. You confirmed that many times with us.

WILD BILL:

Do you think I am wrong for trying to get justice for my _____ and do I have to stand back and let due process still be totally denied me at all fronts _____. Or do I have to stand back and let ___ them totally destroy me.

REP. FURNACE:

That's a difficult one Bill. I don't want to put that on the record.

WILD BILL:

Well, _____ try to kill another man's wife and kids.
Is this legal?

REP. FURNACE:

No, not to my knowledge Bill, no.

WILD BILL:

Well _____ try to kill another man's wife and kids.

REP. FURNACE:

No, that's not legal.

WILD BILL:

Well, every ____ in Alaska says it is legal and it will
not allow me any avenue into their courts.

REP. FURNACE:

Yeah, Bill we hear you. Bill, I'll tell you, if we
could, we've got a couple of other people holding on
the teleline. If we could get your wrap, I'd certainly
appreciate it. Look forward to maybe seeing you the
first of next week.

WILD BILL:

Well let me give you my _____ okay. That's all for
you people, I've got a good poster for you. Okay, are

you ready for this. You _____ Jack and Wally are their names. And you will see _____ as we destroy Alaska _____ and who helped with their army with their strength and wisdom, why it could be no other than Wild Bill and big Walt Furnace.

REP. FURNACE:

Alright. You got my help Bill.

WILD BILL:

I've got one last poem. (indiscernible). God Bless you big Walt Furnace and Mr. Hickle and Mr. Coghill. I think you're the finest thing that's ever happened to Alaska in a couple of years. God bless all of you.

REP. FURNACE:

Thank you Bill for your testimony. Okay. John, if you'd like to come up and testify at this time, we could hear you. For the record, if you will, give your name and spell the name for the record. We'd appreciate it.

JOHN GRAMES:

My name is John Grames. G-r-a-m-e-s. And whatever information you wanted to know?

REP. FURNACE:

If you had some new information for us. I believe you testified at least twice or three times. Feel free to make any additional information that you have at this time.

JOHN GRAMES:

Yes. I testified two times for under ten minutes and over ten minutes. These hearings are for what reason?

REP. FURNACE:

The hearings today is an attempt to take any additional testimony that one may want to give in order to document the concerns that we have been hearing. What we try to is limit as much as possible our own interaction in terms of asking questions in excess. We give you an opportunity to have your say. As politicians we will have the ability at a later time, hopefully during the legislative session, to ask all the questions, to do the kinds of things that we do in testimony. What we'd like to do is hear from you...

JOHN GRAMES:

Well then so that means that there's nothing going to come of these hearings until the legislature gets in session. Is that what your plan? Like I'm taking to a board right? I'm not talking to issues that will be brought out to the public right now but will be brought

out during the legislative session? Did I understand that correct?

REP. FURNACE:

John, as you are well aware now, the Chairman of the task force is Sen. Coghill and I don't mean to speak for him, but as I understand our task is to take information through the process of going through the task force deliberation to document this information, see what legislative remedies can be applied to various complaints, concerns that we've had. The ideal situation is to use the legislative process to address this. The task force does not have any ability short of regular legislative session, and so that's what I understand, is that correct Kathleen?

JOHN GRAMES:

But the hearing process as far as the legislative process and when we originally asked for hearings that's what we had in mind so that the public would become aware of all these problems and would be able to participate in the solutions and that's what I don't see happening and if its going to be postponed and its going to be...we're shooting at some report, well, what I've found is that the public has all this information and for example: I heard so many stories myself just being interested in it, and nothing comes of the

information. They have all this information, nothing comes of it. You can't do a damn thing about it. So what happens, they become discouraged, frustrated and apathetic. So, that gives these judges and lawyers and bureaucrats a license to do whatever they want to do, because they know they can't do a damn thing about it. And that's, its all well and good to say, okay we'll come forward and we're reputable and we're, are in favor of using _____ and all this stuff and we're great people and help us do the right thing and all that stuff. But nothing comes of it. Absolutely nothing. And you know, we encourage these people to come out and tell them, Coghill's different and yeah, you can think some hope. And you can fight the system. You can fight government. But, I just don't see it happening, and what I was hoping to testify this morning, but what happened this morning is a typical example of what its like to be a citizen without, you know, without any money. And, its people that, I signed in before Jay McCarthy. He's a bureaucrat, he's on a government payroll. He comes up here and talks about all these things to Coghill and gets extra time and fine, you know, he's being paid to do that. I'm not being paid...I have other obligations. Today I'm trying to get on a ballot in the state senate. There's a court case down in the courthouse on my very issue. I can't afford to go to the state courthouse because

every single motion that I make, including my appeal, has been denied, dismissed. So, you know, the court house to me is completely corrupt and you can't get a fair trial or a fair hearing in there. So, and that's the price I pay for bringing all these things to light by the way. I mean you guys don't pay a price, but I do. It was a big price because they stole my money, property and freedom, a big price to pay and there isn't anything I can do about it. Now, and then because a doctor had signed up before, well, you know I appreciate the fact that I didn't get to testify this morning. I wanted to testify about Jay McCarthy, and my dealings with Jay McCarthy which are really interesting, which takes some telling. And maybe you know, I'll put it down as a matter of record and write it down. Everybody wants everything in writing. Well, lawyers get paid \$2-\$3 a minute to put things in writing, but you know, we have other things to do, you know, support our families, and you know life is not just amusing thing to do. So, rather than encourage citizens and the general public and indicate to them that then this is going somewhere, you're doing just the opposite. And I, you know, I really don't like to see it. Jay McCarthy brought up some interesting subjects today. One of them is confidentiality. I look at confidentiality the same way that the court house uses confidentiality, the same way that the

Pentagon uses secrecy - to cover everything up. And I always say, well that's secret or that's confidential or we have to protect these people's interest. So, what's needed is scrutiny so the public will be aware. That's exactly what's not happening. _____.

There's a huge conspiracy going on inside the court system. Now I mentioned the word conspiracy to Jay McCarthy and he freaked out on me, started yelling at me. And I talked to him about that right here in the hallway and I said well I have a witness that was down here when you were yelling at me. And he subsequently apologized to me because I showed him where the conspiracy is. The conspiracy interestingly enough was between Judith Rich, who is a public member of the family support task force subcommittee, who has a company called Guardian ad litem, Inc. And she had a contract which was very difficult to find out that she had a contract with OVA. Judith Rich, I questioned Judith Rich right here when she was on that subcommittee. Max Gruenberg cut me right off and wouldn't let me talk to her. With, that, he says well you used your time for that testimony. Judith Rich works out at Vincent Vitale's office. Vincent Vitale is chair of the Judicial Conduct Commission who we complained to about Judge Carlson - knows all about Judge Carlson. A very powerful man. And, I submitted evidence to Kathleen Putman about the connection between Rick

Ueling, Jack Kowalsky, Dana Fay, who's a judge, and Judith Rich and these other people. Jay McCarthy finally, you know, had to admit to it that there was, there was a conflict of interest there. People don't like to admit conflicts of interest and that's one of the big problems that we have. But there again, what are you going to do about it? Well I don't think you'll do anything about the court system unless it changes. And to me the big thing in change is everyday people and sunshine. There is no substitute for that. That's the only thing that's going to make any inroads into this problem that we face. Then I would recommend to you people that you read the Ombudsman report. The Ombudsman's report about myself, Rick _____, and Richard Kowalsky. We gave complaints. And the Ombudsman's report covers for the court system. So they're going to do another Ombudsman's report on the agencies that we complained to. And that will also be a cover-up. And without questioning any of the employees or doing very, it was an incredible investigation, but the Ombudsman ended up putting a nail in our coffin. So they dismissed our case. Rick _____ and I had our appeals dismissed, and Rich Kowalsky, he doesn't know what to do. And we're all broke. Euphemistically in legalese they call being indigent. And what the court system is completely _____ so that means that they're fighting us and they're muzzling the opposition using

the other two branches of government to do it. And we can show you all that stuff and I hope that you would look at it and do something about it. You know act on it. Help these people out. I've gone to every single government agency there is complaining about these things. Like I went to the Human Rights Commission complaining about discrimination against heterosexual males called fathers. They don't recognize that kind of discrimination. Its very real to some of us. Particularly the ones that have gone through Judge Carlson who resents us being fathers. But the the discrimination against heterosexual males in this administration permeates the whole government. I mean everytime you turn around. So, you know, you get blocked in everywhere you go. So you end up by just having to acquiesce. And there is the big problem. They don't like us to speak up and stand up for our rights. They want us to just bow down and that's why we welcome this committee, this task force, you people trying to help us. And so far the message is nothing's going to come of it. I hope I'm wrong about that and but I feel obliged to warn you about it. And make that known to the public and all of us, all the people that I talked to are very cooperative people and we all vote for each other and all we want is the very things that this country fights wars for, which is equality, justice, liberty, freedom, all very worthy causes which

you leave at the court house door. And in this particular case we're talking about healthy families. We're talking about healthy families that are going into dissolution or separation, and we're talking about second families. And that's where you can start out at. And I'm, you can use, uh, um...I know you don't like me _____ but its really just disconcerting jumping all over the place. And I know you tried to keep me from testifying this morning. But, you know, its going to take somebody better than you to put the whole thing out...

REP. FURNACE:

John, I asked to _____ with this young man to see if wanted to testify.

JOHN GRAMES:

Well, I guess there's more important people in here.

REP. FURNACE:

Thank you for your testimony. Is there anyone...

JOHN GRAMES:

Yeah. Well, you're welcome Walt, and that means that I'm more in favor of _____.

REP. FURNACE:

Good luck. Is there anybody else to be heard at this time? Do we have anyone on the line? Well then let's go to teleconference. Do you know anyone that's coming? Okay, let's just hold a little recess.

(End of tape 3.)

SEN COGHILL:

This is the second day of our task force hearings of the Senate Family Law Review Task Force, and of course, as I said yesterday, the purpose of this segment of our task force is to try to stay on the conduct and procedures of the referring state agencies. Of trying to find out how that process works and how that process has failed the system or failed the society and what we have to do in order to kind of bring this thing back. And maybe it hasn't failed. Maybe its we need to create some more strength in the positions. It seemed that yesterday the theme was that we needed more professionalism in certain areas of the system. The concern that this task force has is that once you get into that system you can't get out. And what we're trying to do is we're trying to keep agencies within our government structure to help families rather than to create a havoc in families. I think that our job is big. This segment of our hearing process is to get agencies to come forward and to explain it so that we have a better understanding of how that process is working and see if we can help them in doing their job. And our first one we have is Ardith Lynch and that's with CSED, The Child Support Enforcement Division. Thank you for coming Ardith. And with that, why please state your name, agency, and then you can go into the policies and procedures.

ARDITH LYNCH:

Thank you. My name is Ardith Lynch. I'm the Deputy Director of the Child Support Enforcement Division. I'd like to start off this morning by giving you a little overview of the Child Support Enforcement Division, and the Child Support Enforcement's program and how it fits into the federal program. The Child Support Enforcement program was created in 1975 as part of Title IV of the Social Security Act. And what that act did was create in each state an agency, sometimes referred to as authority agency, designated to administer the child support enforcement program. And the purpose of creating such a program in 1975 was to provide services primarily to welfare recipients in the areas of locating absent parents, establishing paternity, establishing support orders, and enforcing support orders. Each state must have a child support enforcement program in order to receive funding for its public assistance program. And there have been several amendments to the Child Support Program since 1975. In 1984 there was a new federal law, which is commonly referred to as the Child Support Enforcement Amendment and it brought about some major changes, including requirements that welfare and non-welfare families be treated alike; that each state have child support guidelines established; and that states provide for and strengthen enforcement remedies. And a major change in

the area of enforcement remedies was a requirement that the state initiate wage withholding when unpaid child support was equal to the support payment for one month. In other words, when somebody was one month in arrears, and their child support unpaid, the agency had to initiate wage withholding in order to satisfy the support obligation. So any case, any child support case, whether the parents are receiving welfare or not, can be Child Enforcement Agency case. And the parent and the children are entitled to services available under the Child Support Enforcement program. Again, a case is a AFDC case when parent is receiving and is required to cooperate with the Child Support Enforcement Division in establishing and collecting a child support obligation, with a few limitations and exceptions. If a case is not an AFDC case, the parent must sign an application for these services and once its considered a 4-D case its under all the requirements of state law. So, let me tell you a little about Alaska's agencies specifically. The Child Support Enforcement Division, Division of the Department Law, our current caseload is 27,000 cases. 17,000 of those cases has a child support order. Of those 17,000 cases there are 3,154 cases where child support is paid to date. There are no arrears on those cases.

SEN. COGHILL:

Can you go back over that?

ARDITH LYNCH:

Sure. There are 27,000 cases in the entire caseload. Of those cases 17,760 have a child support order.

SEN. COGHILL:

A court order of some sort?

ARDITH LYNCH:

A court administrative order. An order that requires someone to pay child support for a child. Of those 17,000 cases there are 3,154 cases that the child support payments are current. There are two sources of child support orders. One is a situation we typically think of where parents get a divorce or a dissolution and it is ordered that they get a _____ child support. If there's _____ child support _____. The Division has orders that_____.

SEN. COGHILL:

These are either court orders or agency orders. But it has gone through the system where an order was necessary. What about the other 14,600?

ARDITH LYNCH:

Well its another - there's 10,000 cases without orders.
Oh, what about the a 14,000?

SEN. COGHILL:

The 10,000 we have there without orders - those are just mutual agreements between...

ARDITH LYNCH:

No. Those are cases that there's not even a mutual agreement. Usually a mutual agreement is either reduced to an order or the parents are not going through Child Support Enforcement. They have a just a mutual agreement between themselves and the agency is not involved.

SEN. COGHILL:

That's the 10,000?

ARDITH LYNCH:

No. We wouldn't know about those cases. The 10,000 cases that are in our caseload without orders fall into, well, into two categories. Categories where the paternity of the child is still at issue. The child's been born out of wedlock - no affidavit of paternity has been signed by the father and so we are in the process of finding and establishing paternity for that child. Finding the father for that child. We have

about 4,000 cases where paternity of the child has not been established. And the other cases are cases which are either being set up by CSED this month, so I can't really tell you which category they fall into. There are cases in which paternity is not an issue, the child has a legal father, but that they do not yet have a child support order. And those cases, one of two things is happening. If the father is here in Alaska, we are trying to administratively establish a child support order. If the father or the absent parent is in another state, we refer the case to a child support enforcement agency in the state where the non-custodial parent is living. And their child support enforcement agency tries to establish an order either through an agency process like we have, an administrative process, or through a court order. But that's usually ____ on custodial parents state of residence.

SEN. COGHILL:

But that's where that 6,000 ____ is there. And that's your case load that's current.

ARDITH LYNCH:

I guess I don't understand what you mean by current.

SEN. COGHILL:

Well I mean those are caseloads that are waiting to go into the system one way or the other, through another agency or another state. Right? Cause the reason why this is so big in numbers - that's almost 25% - is that because you don't have the staff or the resources to get there, or is it the cumbersome system, system so cumbersome that you can't get to it?

ARDITH LYNCH:

A little bit of both. For example, the process of paternity establishing - obviously if somebody is named as the father of a child, we want to be sure that that person is the father of the child. He's got due process rights. He's got the right to a mandatory blood test if he wants that. That can be a fairly time-consuming process, especially for the people who live in remote areas. We have to set up a blood draw, send the samples to a lab. Wait for the labs - our labs are now _____ somewhere between 8-12 weeks at a time to get the results. See if based on the results, the father will acknowledge paternity of the child. If he won't, then it has to go to court. So, a little bit is the fact that you want to be sure every step of the way that you get the right person.

SEN. COGHILL:

That's in the court files?

ARDITH LYNCH:

Right.

SEN. COGHILL:

I'm just still trying, trying to get down here, because I want _____ the other 14,000. And I don't know whether this is really that critical or important, but it is to understand the program. You have 27,000 cases. We've got 10,000 cases....

ARDITH LYNCH:

...without an order.

SEN. COGHILL:

...without an order. And out of those you've got 4,000 of those in there that's in that _____. Those are cases that you're looking for trying to find the paternity - trying to find the father. So that leaves 6,000.

ARDITH LYNCH:

Of those, we are trying to establish an order for someone who lives in Alaska in about 1600 cases. And then about the same number of cases trying to establish an order for a non-custodial parent who lives in another state. That's about 7,000 altogether. Actually, I support rounding off purposes, you could take

18,000 _____. There's another 1,600 cases that are in case intake right now. Case intake - which is where the agency sets up the case. This is a real busy time of the year with the agency to get new cases. Because other states refer their orders to us for collection if they think that the non-custodial parent is in Alaska because of the Permanent Fund Dividend. They are trying to collect that Permanent Fund Dividend.

SEN. COGHILL:

So what you're saying as part of that 27,000, there's 6,000, there's cases that you are receiving from other states. Its not all stuff that's been generated in Alaska.

ARDITH LYNCH:

Right. One parent or the other is in Alaska. But both parents don't have to be here.

SEN. COGHILL:

That's about 2800 cases then that are probably transferring from other states. What about the _____ that go over to the other caseload. You have 17,000 that are in some order - 3,154 of them are currently paying slowly, everything is _____ How many of those are seriously delinquent and how many of them are fringe?

ARDITH LYNCH:

Well, let me give you the numbers for 1989.

SEN. COGHILL:

I mean, I guess what I'm trying to do is to draw in this so that we have it in our report so that we can say this is the flow of things and this is ____.

ARDITH LYNCH:

The last 12-month period that I've got is 1989. I can't tell you the figures for the state FY90, but I don't have the complete figures for that. So we'll stick with 1989. We call a payment that is due for a child support order in a given month a scheduled obligation. The obligation that's scheduled to be paid, for example for September 1989 under a child support order. The total amount owed for all 12 months of 1989 is scheduled obligations in our caseload was \$46.5 million.

SEN. COGHILL:

Could we back up a little bit. I don't want to get into your presentation, but I'm concerned about, so that when we _____ have the dollars. With these 27,000 cases that you've got and the 10,000 I've got pretty well established in my mind. What are we doing with that 17,000 - out of that 3,000 are payments going

along fine. That's 14,000 _____ can you categorize the cases? Can you do that?

ARDITH LYNCH:

I think its probably, it'll make more sense if I give you the big picture for 1989 for all 17,000 cases. All 17,000 cases owed a total of \$46.5 million in child support in 1989 alone. The total payments that were made in the month that the payment was due was \$17 million. 38%. In the month that it was due. So that's 38% that had the full scheduled obligation paid in 1989. But actually, 45% of those cases had some payments made to the monthly child support payment.

SEN. COGHILL:

Of the 38%?

ARDITH LYNCH:

Of the 45% of the total caseloads. Actually I have a chart here.

SEN. COGHILL:

Didn't pay all the obligations, but were trying. Is that what you're saying?

ARDITH LYNCH:

Yes, you're exactly right.

SEN. COGHILL:

And that's over and above the 38%, which is 83, so there's about 17% that....

ARDITH LYNCH:

No. the 38 is part of the 45. So there were 55% of our cases did not have any payment made to the support that was due in 1989. More than half of the cases didn't have a payment made. And so even though 55% of the cases did not have a payment made, 62% of the cases didn't have the total payment that was due for 1989.

SEN. COGHILL:

62% did not....62% of the total?

ARDITH LYNCH:

Yes. If you look at the pie chart, the one that's on the right side. Of the 38% paid the ____ for 1989 and the rest of that pie should be 62% did not.

SEN. COGHILL:

Didn't meet the full obligation?

ARDITH LYNCH:

Didn't meet any of their obligation. And so 6% met some of their obligation, not all of them. 6% of the ____.

SEN. COGHILL:

Okay. And we go over here and 45%...

KATHERINE PUTMAN:

So basically you're saying that 55% of, which is 17,000, that not quite 9,000 did not pay anything last year at all? 9,000 of the non-custodial parents did not pay anything.

ARDITH LYNCH:

Right.

SEN. COGHILL:

I'm trying to keep track of ___ of the cases. 38% paid when they were due?

ARDITH LYNCH:

Right. For the whole year of 1989.

SEN. COGHILL:

62% didn't pay anything.

ARDITH LYNCH:

Right.

SEN. COGHILL:

Nothing at all.

ARDITH LYNCH:

Right.

SEN. COGHILL:

45%

ARDITH LYNCH:

Made some payment, but not the whole thing.

SEN. COGHILL:

They paid what they could.

ARDITH LYNCH:

Well, they paid something.

SEN. COGHILL:

Well, you've got to assume that they paid something.
It wasn't that they were making a million dollars or
_____. 55% didn't pay.

ARDITH LYNCH:

Right. Okay. So that accounts for the \$17 million.
The 38% that paid their support that was due in 1989.
We collected a total of \$30.1 million. So \$13 million
went to pay support that had previously been due and
unpaid.

SEN. COGHILL:

Collection \$31 Million?

ARDITH LYNCH:

\$30.1.

SEN. COGHILL:

And that went where?

ARDITH LYNCH:

That went to pay support that was ordered but not previously paid in the month that was due. So if somebody had not paid their January 1989 or January, say 1988 support payment, it went to pay that child support.

SEN. COGHILL:

So this is a another scenario. This doesn't have anything to do with the 1989 -- we just got done talking about. This has to do with arrears paying.

ARDITH LYNCH:

So we collected \$13 million in arrears. To give you some perspective on that \$13 million. The total arrears, the total unpaid child support in CSED records as of September 1 was \$181 million. What that means is that once child support isn't paid in the month that

its due, the chances of collecting it go down to about 1%.

SEN. COGHILL:

Just like a _____.

ARDITH LYNCH:

Its also somewhat interesting to take a look at the source of payments. And you've got to keep in mind that under the current law, wage withholding starts only when a person is one month behind in their child support payments. I've got another chart.

SEN. COGHILL:

At least those things, a picture is worth 10,000 words.

ARDITH LYNCH:

I could sit here all day and talk numbers and it would probably make no sense whatsoever. The percents on the left side, the actual dollar amounts are on the right hand side. And the total is the \$30.1 million that we collected last year. Voluntary payments were \$11.5 million out of the \$30.1, or 38%. All the other payments were some sort of income withholding. Income withholding orders to employers or banks or other sources of assets accounted for 41% of the collection and total \$12.4 million. The permanent fund dividends

were 15% of our collections or \$4.5 million. We can intercept IRS tax refunds that was 3.5% of our collections or \$_____. We can also withhold or garnish unemployment benefits and that was 2% of our collections. So that's how we got to \$30.1 million. There's another study that you should be aware of. In May 1, 1990 report from the Legislative Research Agency, _____ The agency requested CSED's records in November of 1989, specifically for court cases that were filed in Anchorage in 1988. And so these were relatively new orders - less than 2 years old. The orders ranged anywhere from about 3 months to say 20 months old. And if you look at Table 3 of that report, it shows that even cases with relatively new orders, about 70% of them were in arrears already.

SEN. COGHILL:

The number of cases were what? Total? I've got to get use to this form. Number of children...Okay.

ARDITH LYNCH:

The average support award in arrears was \$381. The percent of cases in arrears for non-AFDC cases only - this is in the first column - 177 cases in arrears out of the 265 total. That's 67% of the cases were in arrears. And average in arrears per case was almost \$2,500. I think that means that those cases were

already more than 6 months behind in child support payments.

SEN. COGHILL:

Are we _____. What is this compared to the national level? In other states? Is it tracking above normal?

ARDITH LYNCH:

I think it is.

SEN. COGHILL:

So, the reason why I was asking, this..is this system, the collection in this system, is it the unwillingness or the runaway, the person responsible, is our system to rich that order with the 90.3 ruling, are we, are we going to a formula that makes it impossible for subsequent families to be able to meet that obligation? And we've heard in our hearing process that the custodial parent - it does make a difference whether its a woman or whether its a man - has a rigid court order that says this is what you pay irrespective of the amount that custodial parent is making. And it comes over here to the non-custodial parent that has, has accepted the obligation of a subsequent family and can't meet that schedule. Is that the heart of it, or is? Well I guess I'm going right to the heart of part of our problems.

ARDITH LYNCH:

Keep in mind that these are 1988 court orders. Divorces and dissolutions in 1988. So it would be somewhat....

SEN. COGHILL:

That's not the total?

ARDITH LYNCH:

No, these are 1988. And the records that were requested were from November 1989. So it would be pretty unusual for somebody to have gotten divorced in 1988 and have a subsequent family that quickly. And if they did, certainly they knew they had a support obligation to their first children.

SEN. COGHILL:

I think - _____ if this is the national, then there's something absolutely.....if this is tracking from national average, we have a little problem.

ARDITH LYNCH:

Well, one number that I didn't give you was the average scheduled obligation for CSED cases is \$200 a month. So what we're seeing is 62% of parents are not even paying the \$200 a month to support their children.

SEN. COGHILL:

Per child?

ARDITH LYNCH:

No, \$200 per family. I don't have it broken down whether its 1 child or 4 children. Just the average monthly obligation in our caseload is \$200 a month.

SEN. COGHILL:

That's the first time...this is the first time I heard the alimony obligation that low. Its usually _____.

ARDITH LYNCH:

What this report shows is the 1988 court cases, is that the average in all those cases was \$381. This is the top line in that table 3. For one child it would be \$321. For two children would be \$457, and for 3 would \$478. So obviously the newer orders are higher than the average order in our system, because we of course have cases that date back to 1970's.

SEN. COGHILL.:

Is this, where you come about your average support in the arrears, and that report shows its \$740 - is this part of the court-ordered, court-ruled?

ARDITH LYNCH:

Yeah. This is only the 1988 cases on this page.

SEN. COGHILL:

So that was in effect.....

ARDITH LYNCH:

Another part of this study done by the Legislative Research Agency does break down a percent of support required in the court orders. So I'd like to give you a little information about where we're headed right now. In 1988 the federal government passed the Family Support Act, which again requires major changes in the child support program. They concluded improvements in paternity establishment, including the mandatory blood testing I referred to a couple of minutes ago, at the request of either parent. Periodic review of support orders enforced by the agency. And that requirement will be implemented on October 13, in a few weeks. And the third area that I think will really impact our success at collecting support for children, is the immediate wage withholding requirement.

SEN. COGHILL:

Will that be done at the time of the court hearing, instead of going through an expensive, another expensive process, will be part of the order to do that.

ARDITH LYNCH:

In some cases it will be. On January 1, 1994 it extends to all orders, whether or not they are enforced by the agency. All court orders for support will be required to income withholding.

SEN. COGHILL:

Is it then the obligation of the state to divide that wealth, or is it, you know, say that you've got a custodial parent and a non-custodial parent and everything is agreed to. Child support is going to be \$450 or \$750 dollars and if that withholding is mandatory, what's the process? Is it the employer's responsibility to then withhold it and transmit it to the wife, or does it go through an expensive process in government?

ARDITH LYNCH:

At this point I don't know the answer to that question because we are three years away from that implementation of that requirement that for all court orders that that requirement does not start until January 1994. What starts on November 1 of this year is a requirement that cases enforced by the Child Support Enforcement Division that have orders issued or modified after November 1, will be subject to immediate wage withholding. So that we will no longer be waiting for there to be 30 days of unpaid child support. As soon as the

case comes to us, if it meets those criteria, we will start the wage withholding process. And so I hope that in a few years I'm sitting here telling you that our children are receiving significantly more than 1/3 of the child support that's ordered for them.

SEN. COGHILL:

Thank you. Everything in that chart still has me confused. Because the number of cases in arrears 5, with 4 children or more was still 71%.

ARDITH LYNCH:

Because its 5 out of a total 7 cases with 4 children.

SEN. COGHILL:

Oh, 7 not....oh, I see, okay.

ARDITH LYNCH:

I do have to leave in a few minutes.

SEN. COGHILL:

I _____. This is good. And I will read this one through. We probably will have you_____. No, I guess the problem that we have with it, I don't ...this is a policy call...you're more of the enforcement side. You see these problems that brings about this kind of a task force is that non-custodial parents - is there,

you know - a lot of our people are seasonal people and they they have their seasonal pay, and when they have seasonal pay, why they pay it. Then they go on unemployment. _____going to garnish these?

ARDITH LYNCH:

Yes it is.

SEN. COGHILL:

They are now.

ARDITH LYNCH:

In fact we're required to do that by federal regulations because.....

SEN. COGHILL:

Is there a way we could have a sliding scale with those owe, with the non-custodial parent, I don't know, I've never been on unemployment so I don't know how much it even is. But if they garnish the whole check to meet a - say they got 3 children - \$478 a month. I don't know how much unemployment there is, but can they garnish, is there a way that we can have a sliding scale someway so that the children are taken care of. But the person that isn't working that its an average of whole month average - its not seasonal, but _____. I believe that the non-custodial parent has to be responsible for that

child, throughout that child's _____. Is there some way or other that there could be, instead of a rigid system, that we could have it be a bit more negotiable so that if a guy is down or the gal is down, is there anything or has the federal government got us locked?

ARDITH LYNCH:

Well, Here's the answer to that question. When the amount of child support a quarter is set, the income that's used to determine the amount of obligation is a whole year's income. So if somebody has seasonal employment, the fact that they are unemployed for some part of the year is taken into consideration. And its that person's obligation to see that while they are working, they are putting some money aside to pay the child support that's going to be following when they are not working. And, we never get into these amounts of garnishment if support is paid when due. So if somebody is paying their support obligation, there's not going to be a question about how much of their unemployment we have to withhold. However, on the withholding orders that we have, 70% of them are established at a dollar amount that is agreed between the Child Support Enforcement Agency and the person paying the support. So the vast majority of the withholding orders are already an amount that has been reached by discussion. For example, if they are a

non-custodial parent, they know they are behind on their child support. They're going back to work. They call us up and say that I've got a job at such and such place starting at such and such a time, this is how much I'll be making. We take a look at how much they owe, what their payment record has been in the past, and we obviously have to collect the full amount of the monthly obligation and something to pay off that unpaid child support in the past. What I'm hoping that is with the immediate withholding, is that we can avoid situations where people get behind in their support in the first place. Then they are going to be paying the amount of their order each and every month and getting out of garnishment orders or _____, and not going to be an issue.

SEN. COGHILL:

Well, if that's _____. The thing is that I, you know, if your agency makes a determination and they find it to be in error, is there a way they back away from it, or does that stay in and become part of a fund or a pot, _____. Is there an agency that, if your agency makes an error, and the children are grossly affected, is there a public advocacy where a person can go? Is there something in your system....I see the system as coming down _____ take social security and possibly pension in order to take care of the _____

or....don't know whether I'm coming across or not. There's tremendous anguish, there's tremendous pain out there, not only, well anytime you have broken families. I guess what I'm wondering, the collection that you charge 12.5%, is that mandatory?

ARDITH LYNCH:

According to Alaska law.

SEN. COGHILL:

Well, yes, we're supposed to be policy makers in a lot of things. That's why we have to take a look at this see. Does that go to the state, or does that go to the children?

ARDITH LYNCH:

Unless the custodial parent is receiving public assistance, it goes to the custodial parent. We only charge interest on unpaid child support that is more than 10 days late. The payment is due on ... if the payment is made or is due within 10 days thereafter, there is no interest charged. But if there is interest charged, it goes to the custodial parent since he or she is not....(tape change)...

SEN. COGHILL:

You got to leave at 10 do you?

K. PUTMAN:

I have one question for you. If, let's say the custodial parent is not receiving child support and goes on welfare and then has to go through naming the other parent in this whole process, and then at that point paternity is established and they start garnishing this person's wages. She gets off welfare now. Does the state try to pay her for the money that she didn't get before she went on welfare first, or do they take that? Which comes first?

ARDITH LYNCH:

What always comes first is the support that's due in the month that its paid. And so if the obligation a month he has for September 1990 and \$200 support is due under an order, the first \$200 collected would go to the custodial parent. And so that's another reason why we want to avoid a situation where people get in arrears. We want people to pay their support and we want to do it for the benefit of their children. When a person goes on public assistance, they assign their rights to unpaid child support to the state. And what that does is go to reimburse the state for that public assistance up to the full amount of the AFDC going out to them.

SEN. COGHILL:

Its just like _____ your property to the state ____ where _____ collect welfare have an obligation to the state. Ardith, I know you've got to leave, and what I'll do is I'll read this and we'll discuss it in the task force and we'll probably send you a 5-6 pages of questions, in order so that you can get going. This is interesting and of course this is why we're here. Trying to get an understanding of what we've got. And I know that you have to follow the rules and regs, and of course we have to have a policy in position. Thank you very much.

ARDITH LYNCH:

Thank you. I'll be happy to answer any questions.

SEN. COGHILL:

Welcome to our merry group...good seeing you. We have _____ Harry not here? Mike Booth? Rick Groh. We'll take a 5-minute break. You want to take us off the teleconference. We have Eleanor Whitstein, is that it? (Helene Whitstein). Welcome and give us your name and _____ - your testimony.

HELENE WHITSTEIN:

Thank you. My name is Helene Whitstein. I live in Palmer, Alaska. My address is HCO2 Box 7477, Palmer, Alaska 99645. Well, I, I'm glad you put me on limited

time because I'd probably take about 6 days. I've been doing this for many many years. I've been doing it for 11.5 years in the Mat-Su Valley. We took a young man from Anchorage out to the Valley with us when we left _____. I have a lot of concerns on lots of area of worry. I am regional vice president for the State of Alaska Foster Parent Association. I'm also regional vice president for the National Foster Parent Association, which I have four states: Oregon, Washington, Idaho and Alaska. And part of my job is training and listening to the complaints of all the people in all these areas. So my phone rings 24 hours a day. Our personal phone is 745-2036 and we have a phone in my house that is listed under Alaska Foster Parents Association, its 745-27__, so they both ring all the time. Sometimes on call waiting, sometimes there's four people.

SEN. COGHILL:

217....

HELENE WHITSTEIN:

745-2171, that's the Alaska Foster Parent one. What I'm going to touch on first and I would like to hurry because I know _____ he would like to testify too some time today. The retaliation of the Division of Family Youth Services does against foster parents, I

have documented papers that I can share with you that if you'd like to read them over. You get a memorandum from the licensing worker that we work with one on one, and then he gets reprimanded from the person above and it goes on and on. I'm not sure what order - a copy _____ here, but it says a letter coming with the State of Alaska seal from his higher up, from a Richard Ilius. And the essence of the letter it says the supervisor is not normally required to pass on communications which they disagree. It goes further on to say - I can't do this. And intentionally bypassing the change of command with an unproved copy, carbon copy distributed, is their _____ will not be tolerated. And then over here it just says do it right. And then this letter was placed in my foster parent file. There's several pages to it in reference to what it was talking about. I have a real concern with the children in the city of Anchorage that we were foster parents to a long time ago. And every time I do not jump at this mother's whim, she files a complaint against us. This complaint was filed originally in '85 I believe. And that one of my foster sons had molested her daughter, which in fact it was proved that he did not. It was proved that he was in the room with the mother and the child and the two children at the same time for about 45 minutes and they were all dressed so there was no sexual abuse there whatsoever. But she keeps bringing

the same complaint up every time I don't keep her children _____. And the licensing _____ Mr. Jim Carrington wrote the letter to the Division because there had been one more complaint, and it goes on and on about....

SEN. COGHILL:

You lost me.

HELENE WHITSTEIN:

Yes sir..excuse me.

SEN. COGHILL:

Is this the lady that you.....

HELENE WHITSTEIN:

Okay, we have adopted one of her five siblings. And we were foster parents to all these children years ago in Palmer, down the line. And every time I don't keep the children, she files a complaint against us if she wants to _____ or whatever. This letter, this memorandum went through the chain because there'd been one more complaint. And I work with youth corrections over at the Div. of Family Services, but the complaint had been filed at Family Services. And this letter is from the licensing worker that we work directly with. And I'll read you general parts of the letter. "Several

weeks ago you brought a complaint to my attention which was called in by Donna Pugh on the Tom & Linda _____ state foster home in Palmer, which I have licensed and supervise. At present I have two concerns which I believe you can help me clear up. A) a continuing shadow has been cast over the Whitstein Foster Home by continuing complaints by Donna Pugh over 5 years. Donna Pugh has requested that Whitsteins watch her children every weekend and school holiday and all summers. B) Ongoing evidence of by reputable people that Donna Pugh's children (I'll give you the initials: R.W. 19 months old; A.W. 7 months.) Steven is ours so I can use his name, he's 5 years old. And W, who's four years old, and a three-week old infant are in a state and are in a situation of continuing neglect and abuse, which could be life-threatening, I understand a CP file is still open on Donna Pugh. That's child protection _____. Concern A - Donna Pugh has continually filed complaints on the Whitsteins using the same complaint over and over and over, _____ which have been found to be unsubstantiated according to my files and every counselor and every doctor that has been interviewed and talked to. During this same period of time, Donna Pugh has requested that the Whitsteins watch her four children each weekend and during the holidays. Donna appears to file the complaints when the Whitsteins ask her to take more responsibility for her

children, which makes her angry. The W children were placed in the Whitstein's foster care in '83 and '84. I consider her ongoing behavior now as harassments. I believe the Youth Corrections _____ should not be open to continued repetitions and repetitive complaints when a mother has on many occasions shown serious instability and serious neglect and such impaired judgment that can cause injury or death to any of her five children. One week ago, the Whitsteins told Donna that she should have her children over Christmas holidays. In request, I would appreciate a memo in four weeks if possible, which summarizes the status of the Donna Pugh ongoing complaints which can be placed in the Whitstein's foster home file. I consider the Whitsteins foster home to be one of the most skilled and qualifying homes I have supervised. They work professionally with our staff and I see no reason for the continuing discrediting of _____ persons, of their skills and specialized _____ foster home in level 3. Concern B - I have received names and persons considered competent and reputable in their community who continue to believe that the five W children are ____." Now this is page 1. I make a point of that, you'll see why in a second. Page two is what I'm reading now. "Neglectful situations which could lead to serious harm or _____ the following persons who are personally aware of Donna Pugh and the children. Tom and Linda were stay_____.

2. Dr. Epperstein of Anchorage examined R at two months of age for _____ and he recommended to DFYS that the baby be at the Whitsteins for at least 30 days, of which he was. 3. Dr. Richard Strohburn, Orthopedic surgeon in Palmer. He had to delay a surgery, which was in progress on Steven's cut hand, to deal with Donna Pugh's threats and outrage trying to go into the operating room to ___ or remove her child from the operating table, cause she wanted to go have a cigarette and _____. 4. The _____. 5. Elizabeth _____, Palmer UAA, _____ The Division of Family Youth Services in Anchorage. She has been present when _____ picked up the children for three years and personally _____. 6. _____ 7. _____ have been licensed foster parents and have watched the children for 30 more days while the _____ were in Australia. They have _____ with Donna Pugh. 8. _____ has experienced Donna's unusual behavior and (and this is not on the letter - Mrs. Mariott has personally turned in _____ no coat, no gloves and _____. Ms. Mariott is a licensed ____.) _____ Mariott is Youth Correction 3 level foster home. And she is a _____ of the Pugh children. And she personally had seen the children with Donna out at 1-2:00 in the morning. She's a psychiatric nurse. 9. Mary _____, social worker, was supervisor of the Palmer _____ is not licensed on staff in Anchorage and has

been familiar with the Pughs for years. 10. Edna Brooks, Social worker supervisor in the ____ office in Anchorage and at one time they made recommendations to ensure the safety of the Pugh's children. This is the request. I would appreciate you following the _____ to verify some of these items covered briefly in this memo. Please consider this memo a request for a CP review of Donna Pugh's home. I have included person's names that have first hand knowledge and _____. And the reason I ask you to make note of this two-letter deal, Mr. Carrington, by his above authority, was only allowed to send the last page, which didn't leave a whole lot of what they were supposed to do with it and why he was sending it in. So nothing was ever done in the higher ups in Family Services. So it was thrown in the trash like they weren't going to do it. And that's all the letter about - cause their supervisor said it could not be sent out and the supervisor didn't have okay.

SEN. COGHILL:

Could we get a copy of that.

HELENE WHITSTEIN:

Yes, a copy of both the letter... Okay. My main concern about these children is we have one of these children and there's still four siblings at home.

School started in September and I had the children, the other siblings of the little young man we have legal custody of, and I was to have them for six weeks - the mother had surgery. She came home from the hospital on a Friday evening and went on a wild party and screamed and hollered for me to bring the children back the next morning, which I did. They have now been, in school days, they have been in three separate school days schools in 7 days. They were in the Palmer Youth School - they went to the Youth school for 4 days. They went to Chunook school for 5 days, and now their in O'malley school. The mother has moved again. She has made 7 moves in two years. So people don't get to tell on her and tell what she does.

SEN. COGHILL:

I'm not quite that familiar with the foster parent program. I've read a lot of stuff on it. But are you telling this task force that after you have taken charge of some children in the foster parent program, that the parent can come in and disrupt your discipline, your process - that's crazy.

HELENE WHITSTEIN:

Yes sir, most definitely they can. I have had a wonderful working relationship with about 99% of the biological parents with the children I work with. I've

had a real good relationship with the parents I've had. I have a fairly good relationship with this parent when she's sober and not stones, but that's kind of rare that she's not either one of those. These..

SEN. COGHILL:

Is that the main purpose of the Foster parent?

HELENE WHITSTEIN:

Well, the main purpose of foster care is, to get on the bottom line, is to offer a temporary home for these children, till that they can go back home, or prove that their home is not a functional home. This is not a functional home. One of my concerns is, my husband and I are very strong activists and have no problem coming here to testify. But the Division doesn't like that. You know they like quiet people that aren't going to come in and throw rocks in the water - keep it smooth.

SEN. COGHILL:

Then they wouldn't like either of us, would they?

HELENE WHITSTEIN:

No, obviously not, no sir. And they're, and I haven't heard this directly quoted to me, but we have lots of friends in the Division, its come back that because

we're such activists they aren't working on this family to protect these kids, because we raised so much trouble. And they are the ones in fact that asked us to stay on after the kids were placed back with the biological family to stay on as surrogate grandparents cause they had no one up here. We took the children home after the child had not seen the parents for 10.5 months. We take the child, and its like take them back home. This 11 month old, our little boy, did not know his parents. He was in the home for 10 days when there was a broken jaw and fractured skull as a result of a father throwing a temper tantrum. We _____. We got the children back for ten months. Now this is just one. I can give you two briefcases full of more history of the abuse that these kids suffer when they go back home. Buy my main concern on this one is that because were investigated, a gentleman was reprimanded because he was going through the proper channels. I'm going to give you another one. I'm not sure if I'm giving you everything in order, ____ out of my truck.. This is another letter from the state of Alaska because my husband and I are very, very, like I say, we have no problem telling people that we don't want this kid because this is a tough little chick or whatever. I had four level 3 children in my....2 level 3 children and 2 level 2 children in my home which are _____ children.

SEN. COGHILL:

Say, for the record, just so we don't confuse the truths - you're used to ___ the levels and all of the rest, but the legislators who are going to be reading this, what is level 1, 2, 3 or is it just that these different categories of ?

HELENE WHITSTEIN:

Yes sir...of difficulty. Level 1 being your easiest, level 3 being your hardest to handle and level is institutionalized. Among the children we have, there is no room in the inn to keep them, so we get them and they should be levels 4, 5, 6, but since they can't do that, we get them because there's no place for them. And we get them kind of until they can go there. But a lot of children - now this is not what I came to testify on - but a personal suggestion from me, and I think any child coming right of McLaughlin Youth Center should be a level 2 the first day he steps out. Now foster parents get paid from the different levels that they have. Level 1 is approximately \$18.95 a day. That just went up so its \$20 some a day. Level 2 is two times that much. Level 3 is three times that much. What they're doing now is taking children right out of McLaughlin that have been in a locked up facility for their total control and a total of 1-5 people to watch them, and they put them in a home that is supposed to

be "family setting" and they automatically judge them as level 1 if they can get away with it. But all of us foster parents say, no, no, no, this kid was a level high max in that security system, we won't take him unless he has leveled up - let's say 5th or 4th. One thing about youth corrections, and they're really good about letting you go over reports with them and finding out exactly what the child's problem is, etc. and so forth. I have young children in my home. I will not take an SO. An SO is a sex offender. I am trained, I've had several months, I've gone out of state to get training on sex offenders. I personally will not take a sex offender in my home because I have little children. For the foster child's safety and the children in my home safety. There's no sense in trying to cause a problem. They get in enough trouble. Okay, anyway, we had a young lady right out of McLaughlin who was pretty well _____. She had already threatened her mother. She had already beaten her mother up about 4 different times. She pushed her mother down the stairs and severely beat her mother. The child was very ____ in my home. She threatened me with a knife. She pulled a knife on me. She pulled a gun on me - I found out later was a fake gun, but you know when you're looking at it, your _____ don't make you feel happy. You don't act scared even though your teeth are chattering _____. And this is in regard to one of

those situations. We had the young lady in our home who was, should have been a level 10. Anyway, this is.....

SEN. COGHILL:

They only go to 4 though.

HELENE WHITSTEIN:

Yes sir. I mean this one was really awful. She had been in McLaughlin already 2.5 years and there didn't seem to be any soon release until Helene showed up on the scene. This is in regards to this. From J____. Foster parent coordinator. He was the gentleman that we work with licensing. "I would appreciate an exclamation as to what Dick means in a report which he states, "Regional administrator _____ will reconsider any other placements request in the Whitsteins foster home, as they seem to be jerking our chains by causing disciplinary problems rather than working cooperatively with the division. We have a policy for only putting on a hold on homes during investigations. We have assured people that no action will be taken against foster parents who voice concern over taken certain youths. Does Dick _____ take ___ home placement at the Whitsteins because Dick feels we are jerking our chains. Thank you." Okay, this is the letter from Mr. Richard Illius. And this is what it states. It's

kind of a form letter. I do have a copy of it here. Form letter. Alaska Department of Health and Social Service Division of Family Youth Services. All these little checkmarks on here. And under this is contact the legislators, so there's a checkmark there. It goes on. This was October 88.

SEN. COGHILL:

Why would you want to contact a legislator?

HELEN WHITSTEIN:

Okay, let me back up. The young lady I had in my home had just re-offended and broken her probation so she was back in McLaughlin. The 30 days were getting up and her public defender wanted her out of McLaughlin and placed back in her home. Of course there had been some abuse of some foster children in another home out in the valley and the state had closed her home. This child had already threatened me three times with a legal weapon and I feel it is my right as a foster home and as a human being, I don't have to have this kid in my house. And that is what we're told as foster parents, you don't have certain children. So I told them until all the mess was cleared in the valley, I didn't trust this kid. All they have to say is, "hey they hit me," And then our house is closed for a full-fledged investigation, and we've already gone

under for 9-10 of them anyway for something we didn't do anyway. And when you're talking to teenagers, they can tell - oh, they don't even come under little white lies - they're great big purple flashing lies.

SEN. COGHILL:

Well, that's one of the problems we have in this whole system. That's there's some kind of a short circuiting in the system because if one of my grandkids gets mad at me and goes down to the social worker, I'm in deep trouble because I have no recourse to the accuser. The accuser doesn't have to prove a thing.

HELENE WHITSTEIN:

Yes sir, that's right.

SEN. COGHILL:

And that's why we're here. That's a glaring, glaring part of this whole process. And the thing is the advocates on the other side of the thing, say well we got to protect the kids.

HELENE WHITSTEIN:

That's right. But who's going to protect the person the kid lies about. I've had several in my home that got angry with me because I wouldn't let them go to a rock concert because they had all failing grades. So

they went to their social worker and she said, well then you'll go to another home. So they got to go to the rock concert. Anyway, this particular child that was in my home, the parents wanted her back in my home. And I had said I was not at this time ready to take her back until she had more counseling and until we got all this squared away - until all the allegations against another foster home in the Valley were taken care of. Because all it would have took was this one kid to say one thing about us and they would have shut our home down again. And the child asked how we could resolve this. And I suggested to the father that he call his legislator in Eagle River, of which he did, and that legislator called the Division, that's why this letter came about. We were causing trouble. I didn't call the legislator. The biological father of this...the adoptive father of this child here. And it goes on to say that Janet from Rep. Philips office (gives the number) called on behalf of the constituent, Mr. B.G., his daughter MA was pending release from McLaughlin to the Whitstein's foster home, the Whitstein's told Mr. Gleason, she was (excuse me, Mr. G) was reluctant to accept MA because of an investigation made conducted with the Division. And then he says it must have the _____ home investigation. That wasn't it at all. It was just a general blank deal. I didn't want this child back cause she could accuse me of the same thing

that these other kids have accused their foster homes of that they didn't do. And so Mr. G was seeking help to be sure another alternate was found for his daughter, other than his own home. He did not want her in his home. Well, I can see why. She's a pretty tough kid. Action taken: I assured Janet that we would develop and alternative release plan and asked that Mr. G be advised to contact MA's probation officer at McLaughlin's primary number. _____ attached to whom. Probation Officer Joan ____ will work with McLaughlin with the foster care in the developing of an alternative plan. The regional administrator _____ will reconsider any further placements request to the Whitstein's foster home, as they seem to be jerking our chains by causing case ___ problems rather than working through the cooperation of the Division. Well I still thought always that a foster parent had a mind to say who they wanted in their home and whom they didn't. It wasn't that they were refusing a child all the time. This child was subject to screaming wolf all the time when there wasn't any puppies in the yard. So, this is one thing, and so what they were telling everybody is that no should call their legislator, and I have a problem with that. Cause I still thought this was a free country. And that's exactly what the deal...the checkmark at the top is. Mr. G had called his legislator and we were reprimanded by it.

Next one.

SEN. COGHILL:

Well I think what should have happened there is Mr. G should have taken the responsibility of that legislator, to go out and firsthand check out the information that's coming down through the agency.

HELENE WHITSTEIN:

Well they did. But you get a lot of runaround when you go into the agency. For instance, Mr. G. and the Randy Phelps both checked it out. And what they were told on several occasions, as the year went on, about, was one thing and another. We had absolutely refused to ever take this child back. That was not it. We were not ready to take the child back until this child was ready to sign, and she was not going to do that, or bring accusation, at which she did all the time and had already done in my own home, already done in other foster placements. And to assure that foster parents don't have a whole lot of rights out there when a kid, like you said, hey you beat me or she kicked me or she threw hot scalding water on me, well, you know, it wasn't today so there wasn't no burn. So, anyway, the safety of a foster parent's home sometimes is in jeopardy not only by the child, but by the division that we are set up more or less to work with. And

we're handicapped in a lot of ways, because we have a lot of skills to work on, and like you, you spend a lot of time doing paper work and writing and reading, and sometimes kids don't have the time to wait while you get through reading book A. You've got to work on the situation right now. And uh, when called about this and called about some other things, these letters were placed in our file by a social worker, I mean a PO and by a licensing worker. And later on when we went to the ombudsman, my husband and I went to the ombudsman about a Mr. John Vanover and some other things, we were labeled as troublemakers, which we usually are labeled as troublemakers. But that's okay I'll put on the boots and wade right through with the best of them. I'm 4'10" - I started out being 6'9" and this is what happens when you become a foster parent. But, the, after Mr. Jim Carrington resigned, and with pressure put on him by higher-ups with the ___ of things that were thrown at the gentleman, and then I would see no one making ___ percent of the things that he did, was a valid complaint against him, and the other 99% they made up and threw at him. And blamed him on everything that went on.

SEN. COGHILL:

We have testimony that the reason that because he was pressured and falsified records.

HELENE WHITSTEIN:

Yes he was. And these records were in there. And so when you - the ombudsman called the Division about this, and they said oh, well the person who put those in her file is no longer with them. with the Division. Well that is true. Mr. Carrington is no longer...but Mr. Carrington didn't like these letters from Mr. Richard Illius or from the Dwight Bender. It was written by those people and Mr. Carrington put them in there. Okay then....

KATHLEEN PUTMAN:

So they were not included in the ombudsman's report, is that what your saying?

HELENE WHITSTEIN:

Well, I don't know how the ombudsman handles it. I really am not sure how they do it. All I know is that when the ombudsman called back to us and gave us the deal, their comment was, well they said the gentleman that put that in your file is no longer with the Division, and that's all been taken care of. Well (laugh), you know, even if you don't even have a very good imagination, you could see through that one real well.

SEN. COGHILL:

Do you folks have a foster parent network? Do you have an association?

HELENE WHITSTEIN:

Yes sir. We have a state association. We have a national association. And most all....

SEN. COGHILL:

Well, I'm talking about local.....

HELENE WHITSTEIN:

Yes sir, we have a local....

SEN. COGHILL:

So we do have a constituency there that can come forward. And do you have some guidelines or some policy papers that you can give us?

HELENE WHITSTEIN:

Yes sir. I don't have them with me today, but I can get them for you, yes sir.

SEN. COGHILL:

Give them to Kathleen or to Jeannie. The idea behind the _____ which we're doing this. The task force has waded through horror stories. We wade through

the....there's a reason for foster parents. There's a reason....

HELENE WHITSTEIN:

Well some days I'm not too sure.

SEN. COGHILL:

Well I'm not too sure that there's reason for legislators either. The thing is that there's, process has got to be here. And society, you know, we're doing all of this for what, about 3-4% of the society, you know, but it's something that's very necessary. Cause those children are out there and we still have to take care of them. And that's the reasons why it amazes me that when you're given the authority of a foster child that the biological parent can come in and disrupt your process. And do you have that in your position?

HELENE WHITSTEIN:

We have that in there, but its overridden by the state, the Division of....

SEN. COGHILL:

I'm worried about the state. That's why we're here. We're trying to find where the system is kinked, or where its broke so that we can rectify that.

HELENE WHITSTEIN:

Okay. In a nutshell where I think the big hole is and the big sponge, or whatever, is the state comes on with the authority that "I am the state, I have the final say and it will be my way." Now the state, in most cases, I'm talking about social workers and probation officers, see these kids less than an hour per month. Now that's over a 30 day period. And all my days like have about 30 hours in them. I believe the state workers have....but mine have a lot of hours in them. I see these kids every day. I'm with these kids when they hear from their _____. I'm with these children when the parent comes to school and tries to take the child out of class, and the child is very embarrassed. I'm with these kids all the time. Either myself, I'm taking them to counseling, doctors and all the other stuff that foster parents throughout the State of Alaska does. But the social worker or the PO sees them for less than an hour an month. And this is average. Now some social workers see their kids more than that, but its very rare, very rare. I had two children in my home that did not see a social worker for 2.5 years. There's been some documentation of foster parents in the City of Anchorage, that they had kids in their homes for 6 months and didn't have a social worker. So that's really _____.

SEN. COGHILL:

You know, as far as I'm concerned, the social...with the foster parent is, you know, I don't think that's all bad from the standpoint that if the foster parent is doing the job, leaving them alone.

HELENE WHITSTEIN:

That's right, but they do need somebody they can call on in case of emergency and stuff like that.

SEN. COGHILL:

Well, you do though don't you.

HELENE WHITSTEIN:

Well, most of the time, yes sir.

SEN. COGHILL:

Do you have a _____ that's the reason why I want to see your position papers, or whatever, because those are the things...its just like the system when you get a family into the system, they can't get out.

HELENE WHITSTEIN:

That's right, that's right.

SEN. COGHILL:

There's not way you can get out. We got to find a way for them to get out.

HELENE WHITSTEIN:

And that's not fair....I brought a young mother here with me that her kids were in foster care off and on for a long time and there was some really mishandling of that. And there were 5 foster parents that went to bat for this biological mother to get her kids back. And because she had undergone quite a bit of training and quite a bit of help and was getting her act together and was getting away from her real indecent husband and _____ and was working really great. But we had this major obstacle in the valley who thank goodness is no longer in the division services - she is gone - and a touchy subject. Five children that came through my home and in five_____ that she was supervisor in the Mat-Su valley are now dead because of her mishandling the children, I personally feel. Somehow ought to _____ when they were asked, when foster parents asked them keep them in care, and some were _____ and should not have been kept in their care. I can give you examples of a 5-year old that cried and begged and I had only seen her from 10:00 at night and 10:00 the next morning - cried and screamed and hung to me. This child did not know me and did not want to go back to her biological mother. And the state said she has to

go back. I took her back, and 11 days later the child was dead from riding in the back of a pick-up truck on the way to Homer, while her parents were having a party in the cab and three cases of beer were consumed by four adults, and the child was hypothermia by the time they got to Homer - surprisingly at 24 below zero. Two children committed suicide because they did not want to go back home. One went home and committed suicide in a state park because of his dad and the situation he was in.

KATHLEEN PUTMAN:

Who was this person's supervisor?

HELENE WHITSTEIN:

Um, her name was, the person that didn't want the child to go home - the social worker and myself did not want the child to go home. The supervisor was Jenny _____. She was the wanted him to....

KATHLEEN PUTMAN:

Who was her supervisor?

HELENE WHITSTEIN:

Uh, it goes up the chain of command, would be Frank Nalley, he's well known in the Division _____, goes up to ___ Humbart, who is known in the Division, which

goes up to Mike Barnes, who's no longer in the Division, but the same things are still happening. This was a while back. And you know, the _____ kids went to McLaughlin, that are now dead. They died within two weeks that they got out of McLaughlin for overdose or driving in high speeds and they had no place to go after they were institutionalized. And when you institutionalize a child for along time, they become what we call institutional programmed and can't function in the real world. And some of these kids don't need to be there. They don't need to be there at all. Like I say, I've got two more brief cases in the truck and you don't want these files. I could be here for two weeks, and you don't want to hear them.

SEN. COGHILL:

We want them.

HELENE WHITSTEIN:

I'll give them to you.

KATHLEEN P:

I don't know.....is here and she has come to testify and _____ Terry McKee.

HELENE WHITSTEIN:

She's the biological mom who's _____ the Division to get her kids back.

SEN. COGHILL:

What we don't want to do is by any means close off your.....

HELENE WHITSTEIN:

Exactly. I mean I can come back. I'm available.

SEN. COGHILL

I think what we'll have for you, I think I'll have Kathleen come out and you got a copy machine handy?

HELENE WHITSTEIN:

Oh, yes sir, sure do. Slow, but it copies forever.

SEN. COGHILL:

Well, the idea behind it is we want to get this on record. We hold our, we hold our public record open for a week after our hearing for purposes to get papers and put those things in the record. Our record is already open. The thing is between hearings we have to eventually to have, this is the record for this hearing. And what we'd like you to do is to have you kind of sum of it if you could and what your recommendations, where we can go. But I would very much like you

to get your association into the middle of this, because its you people in the field that have the hands-on of what's going on in this _____ .

HELENE WHITSTEIN:

I'd like to on the record state about John Vanover, our juvenile probation officer in the Palmer area and his total misconduct with sexually abusing a young later, whom he later married. But she was 17 when it all happened. I can give you all this information. He's no longer with the Division, but it needed to have been straightened out. When we went to the authorities, I'm talking the Division, and high up in chain, it got swept under the carpet so bad that you needed _____ and picks to climb over the carpet. It was straight up and straight down. I would like to also bring in the deal about Steve Weaver. Steve Weaver is no longer with the State of Alaska and his hands were virtually tied by the people up above that disliked those of us who were strong activists for children and children's rights and foster parent association. We wrote Steve several letters. He answered them all. But it was dictated word for word by Juneau what he could and could not say to us. So I want that on the record that will go _____. And its really funny. All of the social workers that have worked with us and have stood by us and supported us have been reprimanded to the point

they have been taken out of cases that do not ____.

They have had a court order put on them, a gag order put on them. And etc. and so forth, and I have a lot of that documentation. Ms. Sue Hill____ was one of the finest social workers in the valley and she was asked to resign because of the statement she had made and someone else heard it and it was ____ not favored, you can't have any favored foster parents. There's a lot on here about Jenny Duncan, who's now Jenny Duncan-Klimer. There's a lot in here from Anita Stephans and Patricia Kent who was a social worker. There's some with Linda Brooks, there's some all the way up to Martha Holmburg. Martha Holmburg has a letter in here that I will copy for you that blatantly states, I'll read this real quick. "The foster child in your care who has a history of sexually abusing other children, a repeating history of sexually abusing other children." The child was never, had never been a child that had been sexually abusing to other children. The doctors say that, the counselors say that, but the child has a label on him now. And then we have an apology from the higher-ups that took each of their place as they left. We had an apology from Ms. Munson and everyone else. But the apologies don't do to much when the child has a label on his file and they have a sticker type of file on that type of deal. Our main thing is the proper care of all children, and the

safety of all children and the fact that I think the Division needs to consider us an equal part of the team. And I know what law that they have some rights that they have to go to, I mean we have rules and regulations that we have to go to. They do not consider us part of the team. They have never considered foster homes part of the team. And if it can be done, I think that needs to be...I'd like to see a review board that can help the process of listening to both sides and be mutual make a decision from there when it gets hot and heavy. Because it comes down pretty hot. We've had children in our home for 5 years and the Division got angry with me and took five children out, two of which are now dead. And they'd been there a long time. It wasn't like they'd just got there this week. And one was placed back with her biological father and died within a year of Rye Syndrome. Do you know what Rye Syndrome comes from - Aspirin. I thank you very much and I hope we get together. And like I say I have about three more brief cases and I have about four reams paper in ____.

SEN. COGHILL:

Thank you very much Helena we could give you a few briefcases full too. We'll get together. Is Terry Mason.

TERRY MASON:

Excuse me I have laryngitis right now. My name is Terry Mason, I live at 2420 Craig Drive. My phone number is 338-33420. And I'd like to tell you two children were in my home for about 4 years. And I've been a foster parent for about 16 years and that _____ this year, my husband, _____ for my home by the police for domestic violence. Later on we discovered that he was suffering from post-traumatic stress syndrome by the _____. Took all of the _____ and had a restraining order or no contact order placed on him. And he went to the Division and made a list of allegations ranging from _____ straight through to the _____ the mother of my children. Sometime that date the Division came out. The social workers came in and _____ talked to Mike, took my two foster children and left the house. At 4:30 that afternoon they returned to the house to pack their clothes. They were told that they would not need to pack all of their things they would only be gone four 4 days, that they would be returned home on Tuesday of the following week. On February 21st, the Division finally decided that it was okay for the children to return home after I had signed a contract that my husband would not be allowed back into the home, that the children would not be allowed to handle guns, knives, _____; that they would not be allowed to

participate in an _____, and that included some contact sports at school. (End of Tape 4).....I was being ____ in compliance ____ regulations. The following month there was a case review done on ____ the children and at that point the caseworker ____ for them to go into ____ with me and spend the rest of his childhood growing up in my home. I was on ____.

On June 1st the Division picked up my two children again and said they were placing them both in other foster homes and that I would be allowed to see them one time after four years to say goodbye and to terminate our relationship. The first time that the children were able to come home they were promised they were going into another foster home and that they were going to be home in four days. They were about three weeks later. One child went to a foster home that was less than adequate. The other went to the shelter where he was threatened with _____ from three other boys. At that point neither child believed that the Division was _____ saying what was going to happen to them. They both ran. The girl called everyone under the sun that she could think of and finally got the Division to agree to allow her to go to a foster home that she knew. The boy has been on the run, 13-14 years old now, he's had a birthday since he's been running - for three months. The other child was sent _____. At 13-14 years old four months. The allegations that were placed on my home were dropped. I am very angry _____ to be removed from my home. At no point and time did anyone ever consider that the allegations might be invalid or made in anger. At no point in time were we ever notified that the social workers were

_____ and removed the children. No time were the children were warned that their home was in danger. These children do not have _____. They do not have a viable alternative. My concern is that about one-fourth of the children _____ do not have a viable alternative. They cannot return either to the natural parents or to natural family members and there is no provision in the system for what to do with children when there is _____. And when we're not _____ of the children in the system, we're talking about a lot of kids that isn't falling through the cracks. That's falling the ocean. _____ is very correct in saying we need someone to take this too outside of the Division, but it also needs to be binding arbitration. We have to have a person with some degree of reason who can look at both sides of the situation regardless of what _____. Or whether you are a Division person, whether there is television in the home, whether there is personality conflict involved - make a rational decision that is binding not only to the foster parents, but to the Division itself. Our grievance process does not work. Telling the Division that there is something wrong with the Division is about like talking to my puppy.

KATHLEEN PUTMAN:

Where are the children now? The one that was supposed to be with their _____?

TERRI MASON:

No, he's still on the run.

KATHLEEN PUTMAN:

He's still on the run.

SEN. COGHILL:

On the run in Anchorage.

TERRI MASON:

Yes.

SEN. COGHILL:

Do you know where he's at?

TERRI MASON:

Yes sir, he's righ there.

SEN. COGHILL:

Do you mean now that you say, _____ take a risk, be it person or be it process, that the action of the _____ brings to this process factor _____ and that's because they are placed in the Division is callous and _____ because you're fighting that system. Uh, how about the Division of the Office Public Advocacy?

TERRI MASON:

Sir, I have _____ from the _____ McGuire in this particular instance has _____ adamantly for this child to be returned home. The child's counselor has advocated for the child to be returned home.

SEN. COGHILL:

And who's stopping this now, then. They're advocating that he - they're on your position.

TERRI MASON:

Right.

SEN. COGHILL:

Then who are they going to and what did the system do so rigid that you can't get that from them?

TERRI MASON:

It has, it initially was going to Nancy _____ the child social worker, and although I believe that the lady may care about what happens to the child, and I sincerely believe she does, I don't think it is her decision, that it went to _____ her supervisor and he is saying quite adamantly that if the child turns back up at my home for any reason, I would be charged with harboring a runaway. They all know its not a crime in this state to be a runaway - its definitely a crime to harbor a runaway.

KATHLEEN PUTMAN:

What does he want done with the child?

TERRI MASON:

He wants the child to go into a two-year treatment program. He has not _____ what he asked _____ the child when I got him was 10 years old and had a history of drug and alcohol abuse with _____ for extended period of time already. Was highly aggressive and in some instances out of control. He'd been labeled by the school department as being emotionally disturbed and probably retarded. Over the years he's gone from that to a honor roll student. The first two quarters of last year he was on the honor roll. His grades, after the incident in February, started to fall off because during the time that he was at the shelter was the threat of multiple molestation hanging over his head. He did not sleep at the shelter. His _____. The problem has not alleviated. Now I am not at this point his foster point. I am not allowed to sign for his medical treatment or his school lunches or anything else. For the first _____ I called the _____ and asked if they would approve his free lunch at school. _____. I got the paperwork from the school, filled it out, took it to her office. All it needed to be was signed and dropped in the mail. It still hasn't gotten back to the school. He is getting up in the morning,

going to school, doing the best that he can all day long, getting out of school in the evening, working for a couple of hours to, for someone, to try and earn enough monies for his lunch the next day at school. Then doing his homework and getting enough sleep to function. But that is safer than the possibility of a slightly deranged _____ possibly doing something maybe someday _____.

SEN. COGHILL:

I think that what we'd like to have you do is get up with Kathleen afterwards _____ tomorrow or maybe the first of the week or tomorrow...

TERRI MASON:

Tomorrow.

SEN. COGHILL:

Tomorrow will be _____ in this thing involved day-to-day and let's see if we can't short circuit something here.

TERRI MASON:

Had the child been _____ at school on a Friday afternoon the first day of June told that there was a police escort on _____, she has never been in any trouble. She's never even had two consecutive tardies.

Also an honor roll student, and told by the officers that she could either go with them quietly or she could do it the hard way in cuffs, to turn in her books, she was being withdrawn from school. They took her down to the office at DFYS - this is in front of her peers and her teachers, in front of the entire office staff. Taken down to the office at DFYS, _____ down there where she made several phone calls to her guardian ad litem, to me to let me know where she was because she would have been late from school, and to several other friends of mine who are also foster child advocates, and then she was told that she had two minutes to make whatever she phone calls she had left to make. She was being stuck on an airplane to go with a family she could not live with in Juneau. The child ran.

KATHLEEN PUTMAN:

Is she still running?

TERRY MASON:

No. She's in a foster home now. Later on that evening they approved her going to a foster home and it was a friend of hers. They told her on Monday morning that she was to go back to school. Her books had been turned in. Her notes and school supplies were locked in the office over the weekend at DFYS. Monday and Tuesday she took_____. It was to say her grades

were the highest. Added to the fact that she had to explain to everyone who knew her in school why she had been picked up, that she was in foster care since she's been ____ a few years, and no one knew, why she's been in foster care in the first place, why the police were there to escort her out of the building. Its _____ school. I believe the law specifies that we are not to identify foster children as foster children. We are not to treat them as though they are a lower class citizen. That they have the right to their dignity the same as the rest of us. The third point being that...

SEN. COGHILL:

One minute Terry. Who was the one that signed the order that made the police go to the school?

TERRY MASON:

I have no idea sir.

SEN. COGHILL:

Do we have a copy of that?

TERRY MASON:

No, sir, I do not.

SEN. COGHILL:

We'll find it. Go ahead. I mean there has to be a track back to incompetency that has happened.

TERRY MASON:

The one thing to be noticed here is that foster children are not the only children in foster homes. I have two other children as well - a little boy _____. That does not make them my foster children of 4 years, less my children than my other children. After 4 years of living together, my six year old was _____ to pick up the other two children. He was losing his brother and his sister. He was hysterical _____. He could not sleep. He could not eat over an entire weekend because he did not know where they were or what was happening to them. My 12-year old _____ the 13-year old, who has been extremely close them - their not only brothers, they're best friends. They _____ he was screaming, became highly aggressive, dumped over the kitchen table and had to be restrained by police persons. At some point in time, someone should realize that when a child has no one else, after years of foster care in the same placement, with the same people, they become an integral part of your family. The damage that has been done to the two children that are in foster care by the system itself is worse than anything their natural parent had done to them. They have slipped back further in the last three months

than what is reasonable to account for. They've been suffering from _____ and the only family that they have had. At what point in time do we consider that the system itself is abusive? That they are failing to protect their charges.

SEN. COGHILL:

I agree with you. I think that there ought to be all the way through the system an accountability of those people that are charged with the functions of government that they have to be accountable for their actions.

TERRY MASON:

That is why the agency that we choose, or that you choose to act as overseer to a Division who considers itself God and omnipotent, should also be given teeth.

SEN. COGHILL:

I, I really appreciate your testimony. I think its on record. And its indicative of what we've been hearing. And we realize that we can't ____ it, but we will be in touch with you. We need to get those - I need to find out who signed that order to get your foster kid. I want those _____ competency. Yesterday in our hearings we heard that one of the, one of the real problems with - one of the real problems that we have

is that we have a lack of professionalism in the process for the feeling for the child, feeling for children when they're in trouble. It seems that some _____, not realizing that these are human beings - shooting from the hip when it comes to court orders between custodial and non-custodial parents - shooting from the hip whether its done not legally and its not done by rule - its done by somebody's vindictive attitude towards somebody else. That's _____.

TERRY MASON:

Another thing that needs to be noticed is how they follow statistics _____ by how the child graduates through the system from foster care to juvenile probation to Sixth Avenue to Cook Inlet to Spring Creek Correction. And granted there are a 68% of the prisoners in Spring Creek did graduate from foster care. I accept those statistics. But at no point in time has every anyone looked at what the statistics would be for a child coming out of a healthy foster care situation, how many graduated from there to become members of the senate, members of the legislature, lawyers, doctors. And how many success stories have _____ care. I believe Ms. _____ knows something about it.

SEN. COGHILL:

There's a lot of success stories and the reason for the success stories is probably longevity and the attachment to a second family. That's what we have here to look at too. And that's what you're _____ is there's a break-up of the natural family - and I don't what we can do, but we're going to try. Thank you very much. We'll be back with you.

HELENE WHITSTEIN:

Senator Coghill, one of the things that stated there, excuse me, is one of the things that state is they say everything is confidential, and they do not release that information. One of the ways ____ that you can get it is say blank out the names. I want to see the court order and they can blank out the names. Terry may have some of this information in her file. As an acting foster parent, I check my file monthly if I think there's some interesting things going in it, and sometimes it is.

SEN. COGHILL:

Well, I think that too some of these mainstream.... we need to be able to get into those files to make sure how the system works.

HELENE WHITSTEIN:

Yes sir. Right now this does not really pertain to anything that I have done or what I brought forward today, but a real heavy concern that I have is we have a new regional _____right now in this central region. And she has a theory of moving foster children often. You can talk to Don _____ down in_____. That's his job is to try to heal some of this kids _____the biological parents are messed up. She believes in moving them often. Anytime a child has a complaint, obviously its a failure of _____ and your own biological children will find fault with you.

SEN. COGHILL:

Especially when they know they've got an avenue there.

HELENE WHITSTEIN:

But when these cases, _____ times, they learn to work through it pretty quick. They're pretty shrewd....

SEN. COGHILL:

I've raised _____ and I want to tell you, the attitude of social workers and _____ government was there at the time that I raised my children, I guess I would probably still be behind bars. I never abused them or anything, but I disciplined them.

HELENE WHITSTEIN:

And I venture that when they had to do chores, they had to stay there and do them didn't they.

SEN. COGHILL:

Now, we've got to get going. We're....Is there Mike....thank you very much, you can bring your children up if you want. Thank you very much for coming. Give me your name and you understand what our task force is all about and what we're trying to accomplish.

MIKE BRUIN:

You betcha. My name is Mike Bruin (ph) and I am here because I am afraid of DFYS. Very much afraid of DFYS. I wasn't going to come because this is something I'm trying to put behind me. Its in the past now. I was trying to move on with my life. But I had read in the paper, I've been following the Nunn case that's going on now. There was a line in the paper where she had said that...Mrs. Nunn had said that DFYS had told her that if you don't do things our way, we will take your daughter away from you forever and I have heard the exact same thing from DFYS and I flat out am afraid of those people. As it is now I am a rare man in Alaska. I have full custody of both kids and my wife, ex-wife doesn't even have overnight visitation with these kids. But that is a very rare situation. She had a boyfriend

and she wanted to get away from me and the kids so she had me thrown out of the house on a domestic violence order and this state the wife doesn't really have to have any proof at all. She can stage an event and make it all up and get you thrown out of your own house. And she can get your kids taken away from you. And that's exactly what happened and it took me one year to get those two kids back. But in this state too, there's a domestic violence petition, custody of the kids is summarily granted to the wife without any questions at all. I mean they don't even bother with facts or evidence. If there's a domestic violence petition, the kids can go with the wife. It was eventually proven that the violence came from the wife and I can give you a copy of the divorce order that spells it all out. But anyway I got thrown out of the house. I had the kids on weekends and I had to pay her child support, so I hired a lawyer and filed for divorce. And pretty soon, about three months later we had a financial hearing about how much I was to pay her for alimony or spousal support and child support. And our side prevailed. We were able to get her child support and alimony cut in half. And the ex didn't take that too well at all. Four days later she decided I wasn't _____ . And she went to the family physician who told her she was full of shit. And she asked around and she went to the Alaska Womens aid in

Crisis shelter and they told her pretty much that sexual abuse charges is the ideal way, is away from the Dad. I had gradually worked upto 50-50 custody with her just because she didn't want the kids. So I had pretty much 50-50 custody then by default. But then anyway the family physician said no these kids, the doctor said no....but there is a pediatrician in this town that finds sexual abuse under every rock that he looks under and she found out his name, went there, and sure enough he says that there might be - he reported it to DFYS, and four days after I got her alimony cut in half, my kids were gone. So we went through the whole route - interviews with the police. The police said nope, you're kids haven't been abused - there's been no abuse. And the pediatrician was put on the stand in the child in need of aid hearing and he said, well, there's really no evidence that they've been abused, but your ex-wife says that they've been abused, so they've been abused. But he just flat out on the stand said that there's no evidence that there's been abuse. DFYS, still at that point, would not release Lora back to---she was taken away from both children and both parents because the ex-wife lied about the presence of...the boyfriend stayed in her home, so lying is what got her into trouble there. But DFYS told me that they didn't give a damn what the cops say, and they don't give a damn what the pediatrician and

examining physician says, that they're going to have their own investigation and (this is a quote) "if you don't do it our way, you will never see your daughter again." And I believed him. They can do that. They have awesome power.

SEN. COGHILL:

Mike, we could take your testimony in _____ and we feel that we need to think about this. That you are afraid, that you have a problem, you could always go behind closed doors. And I would like to get some hard _____ names, because that's the only way I as a legislator can get this thing, like we said earlier, it seems we're not operating on rules, we're operating on whichever the winds blowing.

MIKE BRUIN:

I can provide you that stuff on a confidential basis. I'm not going to leave it here. I'm sure DFYS has their spies here. I was told that the head man was here yesterday.

SEN. COGHILL:

We asked him to be here.

MIKE BRUIN:

Okay. Well DFYS....

SEN. COGHILL:

....we put him on record too.

MIKE BRUIN:

..okay. I will provide you with that stuff privately, yes. But DFYS, at least here in Anchorage, is in bed with the guardian ad litem's office. I have them referred to as a ____ of bitches, and they not only are professionally inter-related, they are socially inter-related. They are friends, they play together, they do this together, they do that together. You can't expect impartiality and justice from a group like that. I mean, yes I understand they work closely together too, and I have a contract with the State, I work with the State, and I have always tried to distance my business life from my personal life, but these folks flat out don't doo that. They run together and I was told that going into all of these hearings. But you aren't going to get justice in a situation like that. They're all in bed together - at least here. And that's pretty much all I have to say. The Guardian ad litem and DFYS is in bed together and its time professional...and DFYS operates like the IRS. And whatever the woman says, goes. And there's not any standard of proof at all. I mean the cops say no abuse, the pediatricians - two pediatricians examined the kids said no abuse. DFYS says, we're going to have

our own investigation and if you don't it our way, you'll never see your daughter again. So they had their investigation and halfway through their investigation, their psychiatrist - I paid for all this by the way too - their psychiatrist or whatever calls halfway through - he didn't even complete his investigation. He said there's been no abuse, come and get your daughter. And I came and I got my daughter after I signed off on all the bills of course. And their conduct and their procedures are outrageous. A friend of mine is a magistrate in Kenai and DFYS in Kenai is pissed off at him because he makes them play the game by the rules and have all of their ducks in a row, and they don't like that. Its a lot like the IRS and somebody needs to do something and I'll provide you with names and transcripts and all of that. And if you want to talk privately, that's fine. But it has got to stop. I mean....

SEN. COGHILL:

Would you, Mike, I really appreciate you coming forward because you're one of the first that I've heard that has gotten out of the system. Everybody else seems to get locked into the system and can't get out of the system.

MIKE BRUIN:

Well I'm not quite out of it. Because we had a birthday party for Laura and I was good enough to listen to the ex and she said she would go and she would be good. And we got in a big fight there and I called the cops on her, and four days after that again, she was back in DFYS and said I was abusing the kids and she put a couple of her friends up to going in and saying they had seen sexual behavior from the kids and then it went back to the phone calls, you know, and its scary. Plus what happens if something actually does happen to those kids and we've cried wolf 8,000,000 times, you know, bull shit. It is not right. But I did, at least, I think now get out of the system and I've got full custody, and this latest episode they let slide.

SEN. COGHILL:

Let's get together and the docket is open for a week after the hearing so that we can put in this hearing sequence. And what will come of that ____ is stuff we'll have. It will not be _____. Thank you very much. Kerry McKee, Kerry. We'll take you on, and we're running short, so if you need more time, what we need to do is get it on the record, and if you need more time, why you can get with Kathleen.

KERRY MCKEE:

Okay I'll try to make it....

SEN. COGHILL:

I know, this subject...

KERRY MCKEE:

Abuse and some of the problems has represented four years of my life.

SEN. COGHILL:

Give me your name and....

KERRY MCKEE:

Okay. My name is Kerry McKee. I am the biological parent of _____. I went to DFYS for help. And they were _____. And um, through my son making a note on the bus to school which had _____ was able to get some help for my daughter from DFYS. The man that I was living with was an alcoholic, a very dangerous man. There was a lot of physical, emotional, sexual abuse going on. And DFYS did come with the state troopers to take out _____. In turn, we went to DFYS office when my son already had gone down and my daughter had already been placed in foster care. Uh, _____. They had a meeting for _____ but then they decided that they would let me take my son. At this time I had _____. They let my son come back

with me and we went to a woman's shelter. And it was at the time _____. After we had been in the woman's shelter for a period of time, I had been able to set up an apartment for myself, lease it in my name with _____ children. During that time DFYS had told my, we weren't married at the time, _____ 5.5 years, they told him he needed to get counseling before he could have contact with me, which is all fine and good. They set up a meeting between him and I at their office, not include the children, the children were in daycare. We had the meeting where he agreed to get counseling and that d_____ the hearing. I said yes, I would agree to _____, but he would still be living in Anchorage going through the Charter North program and he would have no contact with the children. I went back to my apartment with my children. The next thing that I know, which I have papers here showing, that this man was given full custody of my children behind my back.

SEN. COGHILL:

Without a hearing?

KERRY MCKEE:

Without a hearing. There was, there was hearings to the point we were in court for 10 days in a row. My lawyer was such _____kisser, he wouldn't do nothing

except what DFYS said. And I confronted him, and I said, I asked him, Alex, what are so afraid of? What does DFYS got over your head that you won't stand up to them and get my children. They took my children from on June 2, 1986, placed them in a foster home. My son was 6 months old. I did not know where my babies were for almost 8 weeks. According to Alaska state statutes, we are supposed to know within 10 days where are children are, have contact with them. Here I have a little 6 month old baby that was being nursed at the time, and I couldn't even have contact with him and could no way be with him. This is kind of hard for me to go over this. This is the first time I have relived this and I have fought four years to get _____ right now.

SEN. COGHILL:

Kerry, what other things...because of the time, I'm going to ask you if its possible for you to get up with Kathleen, our special assistant, so that we can copy some of those records, because this is the very heart of why we're here is to find out why that system _____, what's wrong. I apologize for putting you through _____ story.

KATHLEEN PUTMAN:

And I could come out in the valley some next week and get together with all the valley people that have come in and. I'll call Helena next week and we'll make an appointment for me to come out there.

SEN. COGHILL:

What it takes two.

KATHLEEN PUTMAN:

I can come back. Its a nice drive, okay.

SEN. COGHILL:

That's the key see, what we're trying to do in this hearing. Is that we had our first hearings on the abuse of the whole system as far as the people who have really got horror stories, and I want to tell you that there...and this one here has to do with the agencies system.

KERRY MCKEE:

Well they went....they copied, forged my signature. Things that I didn't sign. There is even a person sitting in this ___ room that was given a copy of my confidential file that had nothing to do with the system and he was given a copy of my file to use in his divorce case against me because his wife happened to be my best friend. I have copies of it. I have copies of

_____ my files. The first year I went through four caseworkers - four caseworkers. Our kids was shifted from foster home to foster home. I have a son who is now 11 years old. When he was 8 years old he was illegally institutionalized in Charter North and was experimented on with all kinds of behavior control drugs, without my authorizatio. And the meetings that took place prior to that that visitations were supposed to be set and they had actually been set up, and the date the visitations were supposed to take place, one visitation took place. And after my son went home to his foster home, he was told by his foster parents that it only took place for me to say goodbye to him because he was going into an institution the next day which I knew nothing about until the following morning. It took me four months to get my son out of there. And during this time I had two of my children, at the time 1.5 and 2.5 years old that were given to my ex-husband, and even though the division knew that he was an alcoholic, he had criminal charges pending against him for assault on one, which was my own son, but they still gave him two babies. There were people from my church that had called because he still took the kids back to my church, not for my kids sake, but to harass me. People from the church, people from all over Wasilla, had called DFYS and told them that the kids would be hurt, something was going on. They were _____

in court. They were dirty. Their behavior had just gone off the wall. Psychiatrists, doctors, _____ sexual abuse therapist - she's supposed to be a specialist. She told DFYS that she had high suspicions and a lot of reasons to believe that my little girl at 2.5 was being sexually abused. They didn't bother. I now have a 5 year old girl that is so severely emotionally damaged there is no _____ in this world that has done everything in the world to that little girl because DFYS knew for 8 months this little girl was being raped by her own father. And DFYS knowing this - her little 1.5 brother was being locked in the closet during the time. And they knew it. They knew it and did nothing about it. They had witnesses testify to the fact. There was a state trooper that knocked at the door to investigate my complaint at _____ intoxicated with the children. Both children were running around stark naked and he came working in from the bathroom without any clothes on, and yet DFYS did nothing. He went into court drunk. He went into DFYS drunk. And the only thing that DFYS labeled these complaints was harassment. And they pinned it all on me and said that I was sick. That all these people complained just to get the kids. Yes I was trying to get my children back from their father. And then after I moved again. There was several times, I was literally forced to go back to this man because of the system and because of what the

doing to my kids. I had no physical custody. I had no real custody. I was.....for help. The only way to protect my children was to go back and I.... After the abuse got so bad - one time where he took my little girl who was three at the time and----he threw her across the kitchen. I took my kids out of there. I left with them. I called Jenny Carter, I said Jenny I took my kids. I cannot send them back there. This is what happened - he was drunk, he kicked a little 3-year old girl clear across the room. I can't take them back, I'm sorry. And she told me I had 30 minutes to take them back there or I would be arrested for kidnapping my own children. We're supposed to protect our children. The Division is supposed to protect the children. But that Matanuska Valley Division of Family And Youth Services, it is well known as _____ and Jenny Carter who is ahead of the Gestapo. And yes, when people say that they are feared - yes. The police won't take them on. The courts won't take them on. The lawyer will tell you, no _____ wanted to go up against DFYS because they were looked at as God. And when some, I even took _____, I had the opportunity to go to Juneau in '88, the Alaska Foster Parents Association, and I met Ron Chase, personally face to face. I had had many conversations with him and _____ and I had my opportunity to confront them right there in the state office and they didn't know how to handle

me. They never thought that I would actually come to
____ face to face. And they still didn't do anything
about it. And he still has my kids. I have____.
And its not____its because I made the mistake of
asking the Division that says they will help. You know
what____. And you know one of the main
____between Anchorage and _____ it _____.
He was right - its not going to help, _____. My
ex-husband's lawyer, who unfortunately I just found out
passed away last week, just happened to be one of
....tape change....all directions, all ____ and a
complete copy of it.

SEN. COGHILL:

____its all part of a _____. The Ombudsman's
investigation copy.

KERRY MCKEE:

Well I've got some of it. Okay. The grievance
procedure that is now ____ the policy and procedure of
_____unfortunately went away. The_____ I was
wanting to get into _____ it. And it took me almost
a year to get that in process.

SEN. COGHILL:

Thank you very much. We'll be in touch with you and
let's get to the bottom of it. (indiscernible). Why

don't we have the three children come up and get their name and see if we can get testimony on that cause we'll get to Rick Groden. We've got a _____ Wassimer who's going to be teleconferencing from Skagway. Needs to get that on record when he calls. Come on up.

HELENE WHITSTEIN:

Before we get started, can I get with Kathleen with some more people in the Valley that can come in the Valley that are teaching school, and if she don't want that we'll just.....

SEN. COGHILL:

Yes. Just a second....

HELENE WHITSTEING:

You just want me to get their names now.

SEN COGHILL:

You don't have to be worried. Don't be _____ just give your name and give us a little _____ story, but make it fast.

ELIJAH WALKER:

My name is Elijah Walker. I was brought into DFYS _____ the cops the _____. And they put me the _____ I mean they put me into the shelter, _____ Shelter, and I was

there for 24 hours. And then they put me in Mrs. Mason's home and I was supposed to be in her home for one week and then they told Mrs. Mason that I should be in there for a week and they called her. And then a month, and then 6 months and then I ended up _____. Mr. Mason went crazy and this other _____ she said that the allegations and DFYS took us out of the foster home. They put me in a ___ shelter and they promised me that I'd be put into a foster home. And they put me in a _____ shelter and I said I'm going _____ and they said that I'd be in there 4 days and it would just take a couple _____. Well I ended up in there for 12 days and they had _____. In the shelter they had three boys that threatened to sexually abuse me and I was put in the ___ shelter for two days I think it was and I got back out after 2 days and I was put back into somebody else's home. And after that, well two weeks later maybe I was, _____ and they said that she could have guardianship on me and they brought me to Mrs. Mason's _____. And then something like 20 days later they had me back in _____ threatening by a cop and she is making phone calls to _____ and she made a phone call to talk to me and they said that they _____. (indiscernible). And so I said...and that's what happened. And they try to make all these deals and stuff and then it _____ go in a foster home and I said _____.

SEN. COGHILL:

Well, what we need to do is we need to kind of follow-up on that so we'll know that you're not in a position where that you have to run from the system. We'll make that system work for you. Thank you very much.

EILEEN _____ :

My name is Eileen _____. I'm 16 years old and I kind of live in a foster home. Before February when ___ I first told myself that _____. I had had a social worker named Nancy _____ and her supervisor for over a year and a half. Before then I had not talked to them, I haven't seen them. So, I was wondering what was wrong because that afternoon when they came in they had come in, they called, I call her _____ now, my foster parents. They told here that they would in at 1:00 to talk, to tell all the kids, the whole family. They came in on time ironically because normally they are half hour, hour late. So I was wondering what are they (overtalk) So as it turned out they only talked to myself and _____. They just asked me a few questions like if I had any relatives and I'd explained to them I had a biological family in Juneau. And I told them my mother lives there, but I have tried getting along with her, I mean I love her, but I just

can't cause she's attacked me, she attempted to push me out of a second story window.

SEN. COGHILL:

Eileen, if you feel it is too emotional for you to continue, why if you wish, at lunch time we could get more of your testimony and we need it, because this is the reality of what the state has put the people through. If you feel that you'd like to....

EILEEN:

I just wanted to bring that up to show you, okay, because they are and were trying so hard to put me back in that situation. And I told them I didn't want to go back. So what they did was after they talked, they left, came back just before dinner time. I mean we had _____ just like its and _____. They come in and they said something about seeing ____ foster care. And _____ after they had taken out on a DV, had had large amounts of _____ and the Division instructed her to find some of way of getting rid of them. So that night there were three officers there and in the process of taking out the _____ and getting rid of the firearms. At 4:30 Nancy _____ and _____ had come in. And they told her that they gave her the runaround of what they thought was the reason for taking myself and my brother out of the home. And they first brought up

the fact that there are firearms in the household. She, you know, told them that the _____ officers are currently in the process of taking these firearms out. And they said that doesn't matter. They felt that she wasn't protecting us. _____ very same night, he had been taken out on the DV. But she had come _____ against him, not to be...that very same night she had called _____ the whole family had been associated with and going to. Instructed the school advisors if Terry L. Mason, her husband, shut up and asked to talk to the kids or take them some place. They were authorized to call the police and have them removed. Yet they kept on telling her that she was failing to protect us. She had switched the locks on her door. She had done everything imaginable. And yet they pulled us out. The officers there saw no reason whatsoever to pull us out and Nancy Miller and _____ asked them to assist them escorting us out of the home. They said no. They wouldn't be responsible for tearing apart this family. So _____ and I were told that we would be put into foster homes, _____ foster homes. She said, Nancy Miller said that only pack clothes for a couple days because you'll be back in 4 days, which would have been on a Tuesday. And I was placed in a home only because they told me that I would be back. And I had contacted Mrs. Mason after I was placed in a home and basically got my things situated and the next

thing you know she was telling me about on a deal having called her 20 minutes later telling her that he was in a shelter. She had specifically asked Nancy Miller and _____ are you going to put these children, or any one of these children in a foster home or in a shelter. You are going to put these children in a foster home. But you know, she said yes we're are going to help them, we're not going to put them in a shelter. And they lied to me. _____ My grades were descending and the conditions of the foster home I was placed in were not suitable. I had to sleep in a playroom. The only access to privacy was opening a hallway door. There was a guinea pig in a cage in the bathtub in the downstairs bathroom. There was graffiti decorations, which I had been told was from a party a year since. And I _____ when I tried to sit on this commode, it shook and I had to be careful that I didn't tip it over. Every night that I was placed in Connie Mocks. Every night I was there _____ these kind of situations_____. I had been living with Ms. Mason for over 4 years and my nerves have a tendency to get so wracked up that it doesn't matter how much I watch what I eat, I regurgitate. It happens at night _____. On the first three nights I knew I felt that I was going to get sick, but I was in a deep enough sleep to nod it off and _____. The fourth night I could not, so I ended up going on the floor and _____ but it

was on a school night, _____ and _____. So after, at least 10 days, I was out of my home I felt, I was finally brought back, I was allowed to visit, but I wasn't allowed to go inside the house, which the Division had _____.

SEN. COGHILL:

Who was it, Eileen, who was telling you you could not do these things?

EILEEN:

(indiscernible). They told me that _____, but I can't remember who as far as names, but it was one of their reps. I made it a point that I _____. (Over talk).that myself or Elijah would be permitted inside the house. My grades, as I said, fell. I was failing. I could not _____. By the time I was finally placed back in Mrs. Mason's foster home, I had to work extremely hard to make sure I would still get back on the honor roll. I was astonished to find that they listened. That the Division listened to the _____ suffering from _____ stress syndrome. After that I had not _____. The security guard, the school security guard, to my classroom to have me brought to the counseling center at school. The only reason I was brought then because I was in a biology class and _____ had to do outside school _____. So I

came in and the first thing the teacher asked me is what kind of _____. ...came in to take you. And I thought what in the world could it be cause I hadn't done anything. And so okay, she wrote me a pass to the office and I went to my school counselor, _____ and in her office were _____. And the first thing they told me when I sat down was that due to the circumstances, you will have to be removed from your current placement. I asked them why. And they said that something that my ex-foster dad did to my foster mom's house was the reason I was told again. And I asked them if they had talked to my foster mom about it. And they said, no not today. And I asked them specifically again, have you talked to her about this. And they said no. And I said I don't want to talk to you. And I had left my notebook in my binder and things over at the class. So I went back to pick it up because I knew I wasn't going to be back in an hour. So, I was asking my classmates if I could borrow some change because I had left I had asked if I could use the phone so I could let, you know, mom know, because me not coming home from school and you know, and I felt she had a right to know. And then Lucy____, I asked her if she could use the phone, she said, well its up to your guardians. The apparent fact that I was a foster child and that my guardian ad litem they had lied to the school about this. They had told them that my

guardian ad litem in Juneau had requested that I go to Juneau and that they were my guardians. Which is not so because _____ who is my guardian. So, I decided I'm not going to even bother asking, because I felt at that time that they undoubtedly would not let me try to contact my foster mom. So I left that room for 5-10 minutes. And after I gathered my books and things from the classroom I went to the bathroom to try to cool off because _____ my family. I felt _____. So I asked Lucy Brown if I could ___ some people. She had said that she had brought the school disciplinarians to _____ and said that they demand that I go back to the counseling office. And they told me off _____. They said we're not going to give you that choice, we want you to know that now. So I asked to use another phone in a private room and I was there for 15-20 minutes because I was trying to reach mom. She, you know, _____ and I couldn't reach her then and then I had turned around and I saw Nancy Miller on the phone. I couldn't figure out why. Ten minutes later they had an officer come in the school and into the room I was in and I asked if I could call my guardian ad litem because I just didn't have another _____. And Nancy Miller told me no, wait until we get to the Division. And I thought well, where am I going. And she told me that I was going to have my locker cleaned out, my books turned in and I was going

to be shipped on a plane that afternoon straight to Juneau. And I asked her, I do not want to go back to _____ and then Nancy Miller ____ well, we found a foster home in Juneau and I told her, you know, I told you time and time again I do not want to go to Juneau. I do not want to be in a foster home in Juneau. And I told her, I'm 16, and I know where I want to be. She said that I had no choice. It doesn't matter how old I am, I'm going. And I just didn't know what to think of it at the time. I asked her if there was any foster homes at all that I could go in rather than go to Juneau. And she said, nope, they're all filled up. And I asked well, what about the shelter. You know, can I go to the shelter. And she said, no there's no room there. Then I asked about Covenant House, and she said there was no room there either. And I feel that the line about no rooms in foster homes was a lie because I knew through Mom's ____ and her friends that she has foster parents, they had at least 5 placements. Maybe not one, but at least five overall. So, I was escorted because I felt that I school it would be one of the worse places to argue with an officer. And she said directly to me, either you will leave this school peacefully and quietly or I'm going to put you in handcuffs. And I thought, okay, _____. I went to _____ Division and there is where I made, I reached mom and I told her I'm at

the Division. They called the cops on me and had me escorted from school and they won't let me come back home. And she said "What?" And I told her that they told me that they hadn't talked to you about it and that basically I felt that they didn't plan on even letting her know. That is when I spoke to Eli because _____ and their retaliation against _____. And they had given him the choice of either a suspension for 30 days (and this was June 1st) you know before June 1st so he would have ended up like going for the last month and then the first 10 days or whatever of the next school year, or he could withdraw from school. And that was the reason that they didn't pick him up at school. And I told him that they got me, they'll be after you. The only reason they didn't get you was because _____ and you weren't at school. And I told him in the middle of the afternoon. And he said okay, I'll run. And during that period of time I called every other foster parent I could think of because Mom Terry had some other people she wanted to talk to like her lawyer and try to find out from the Division was going on. They wouldn't tell her. She asked them if _____ you know, my daughter isn't home. She said she had _____ because it was confidential. So I called my guardian ad litem...

SEN. COGHILL:

Who said that?

K. PUTMAN:

Nancy Miller?

EILEEN:

And I had called my guardian ad litem, Michael Walker, he's in Juneau, and I told her that Nancy Miller and everyone had told the school advisors and the school counselor that she had requested that I go down to Juneau and she said why didn't _____ the only thing I asked was if to find out through them if I wanted to go down for a short visit. And I told her that they told me that you are requesting me to go down there and go in a foster home. She said no Eileen, no such request. Where did you get this from. I told her Nancy Miller and _____. And she _____ once again they were lying right through their teeth. I just felt over powered. So,...

K. PUTMAN:

Where are you living now?

EILEEN:

I'm living, would you like _____?

K. PUTMAN:

But you're here in Anchorage?

EILEEN:

Yes.

K. PUTMAN:

And you're not living with Mrs. Mason?

EILEEN:

No.

K. PUTMAN:

Where would you like to live?

EILEEN:

I want to live with Ms. Mason.

SEN. COGHILL:

You can give that address to Kathleen in confidential. You don't have to put that on record. We just, we think this is an incredibly horrible story. And we're going to get to the bottom of this.

EILEEN:

Could I just go on just a little? The next thing I turned around Nancy Miller told me, make that phone call short, I had to be at the airport in 15 minutes because we're sending you on a plane with no sidetrips,

straight to Juneau. And my mind just went, what am I going to do now. So I made a phone call to Ms. Mason. I told her I was going to run because I knew for a fact that once Anchorage and go to Juneau, _____. My case is in Juneau because that's where my mother and step-dad and my half sisters and brothers, my brother and sister are at. And in Juneau, that's the home that's not home to me. And I can not go back. So I did something I never would have done because I was cornered. I ran.

K. PUTMAN:

You just left the office and ran?

EILEEN:

Uh, I had told Nancy Miller that I needed to go to the bathroom real bad because of course the trip and everything and ___ that time of month for ___ and I left. As soon as I left the doorway I went down and I then went some place where I could regroup and call and let people know that I was not deficient, I'm not going to Juneau, that I am staying in Anchorage, and the times I will have to move because I didn't want the Division_____.

TERRY MASON:

It was 3:00 that afternoon that I found a nasty note on my door that they had already reported the children as runaways to the state troopers and that if I didn't relinquish them they would take legal action against me.

EILEEN:

I then spent the night in ____ house. And I contacted one of my friends, my girlfriends and she's a foster parent, Ann Shafer, and that was _____. If there was any way I could stay with her. _____ next to home, not home but next to it. And she said, well I'm afraid that if I pick you up and let the Division know, they're going to be right at my doorstep ready to take you. So I'm going to ask your supervisor, and the social worker and the higherups if I may have custody for placement of you. And I said okay, but I will not turn myself in until that is verified. And so it was verified the next day. And then Monday came. I went, I was told that I had to go back to school and I still, I didn't get my notebooks, my notes and everything until after school was out, the week after school was out. And I tried to explain to the school advisors there was no way I was ready for these finals because my school books were taken and there's no way I will be able to cram all my classes in one night. Because Monday was the day before Tuesday/Wednesday we had the

2-hour blocks for classes to take the finals. And they told me I had no choice, here is your books, good luck.

KATHLEEN PUTMAN:

This was at East High?

EILEEN: Yes.

KATHLEEN PUTMAN:

And you were on the honor roll at one point?

EILEEN:

Um, only in Freshman year. Sophomore -

KATHLEEN PUTMAN:

Until February, basically.

EILEEN: Yes. And that's when I _____ all my finals. And I felt I had to contact Nancy Miller ___ because August 31st, August 30th was when Ken Shafer and ___ Hanley, because they were on base they would be shifted to ___ New Mexico. So four days before that I had talked to my social worker and she had hung up on me because she felt I was being uncivil and disrespectful because I was telling I wanted to go back home.

KATHLEEN PUTMAN:

And this was Nancy Miller?

EILEEN: No, I had called the social worker.

KATHLEEN PUTMAN:

The one who hung up on you was Nancy Miller?

EILEEN: Yes. And she said that I was being abusive. I didn't call her names. I called her "lady", Nancy, and "my dear". That was _____. And I felt that I was letting her know what I wanted. And I thought that's what I'm supposed to do. Then she told me, see I had told her I was not willing to go to another foster home that I did not know because I had heard around from the system, you know kids from the system, you know that this place did such and such, this had this and that. So I refused to go anywhere that I didn't know and was sure that those type of things wouldn't happen to me. She explained to me, well if you're not going to go to this foster home, we're just going to have to put you in the shelter because there are other kids in desperately needing placement. Well, I told her I got less than 4 days left. Are you telling me I'm not in desperate of placement. She goes well, there are other kids. And she hung up on me and the next morning I _____ requested that I receive a different social worker and a different supervisor. Because _____ Nancy Miller had

carried out _____. And had taken Nancy Mattson over a month to get one _____ voucher to me. The last time I had a _____ was '86. The last time, okay 86 was when I was placed in the foster care. Then I had received, I think it was only \$150 clothing voucher. And until now, that was the only clothing voucher I had ever had.

SEN. COGHILL:

What did you do, go to the Salvation Army for _____ make your own way? _____ but did you, were you denied by the social services other clothing vouchers? How did they expect you to have a \$150 clothing voucher to last you four years?

EILEEN:

They had denied me any other clothing vouchers because they had come up with some standard of only getting a clothing voucher once when you've been placed. No matter how young, old, how much in need of it you are, you are issued.....

_____ :

They feel if she's placed at 9 years old and stays at the same placement until she's 14. Then if she has a \$25 clothing voucher, that's all she needs until she's 15.

SEN. COGHILL:

Well in the process of the...let me ask this question then, in the process of the foster home program, is there an allocation within the funds to you that a certain portion of that money is to be used for clothing?

TERRY MASON:

No sir. Is to cover the everything of the child's needs. Their entertainment, their educational supplies, their school activities, their social functions, allowances and things, they have chores to do in and so in the foster home. They are _____ placement. Their portion of the increase in our utility bills and their food is also....

SEN. COGHILL:

But there is an equation for clothing replacement.

TERRY MASON:

Sir, do see that _____ that says that it cost this boy to___ in the United States \$23.00 a day. Our stipend for a teenager is \$18.59.

SEN. COGHILL:

You don't have to convince me. I made a very, very bad mistake last month. I promised one of my grandchildren

that I would buy him a pair of gym shoes. I didn't know what I was getting into and it cost me \$148 bucks.

TERRY MASON:

Sir, _____ a teenager that are involved in track, football, diving, any organized sports in school, you'd be going through more than a clothing voucher is allowed to be in a pair of sneakers.

SEN. COGHILL:

Yood point, good point.

EILEEN:

And so far this year, since I have been placed in this other foster home, I've been there for just about 2 months now and she has never received payment for my being there. And I have not been able to get into school for school sports because my medicaid just hasn't come in yet.

WALT FURNACE:

One question. Since your new foster parents have not received payment, is that causing some friction with them in that setting?

EILEEN:

Yes.

WALT FURNACE:

_____ I assume that. But I think its important that be on the record. That's one of the concerns too.

SEN. COGHILL:

Who is your immediate social worker that's assigned to you here in Anchorage?

EILEEN:

Nancy Dodson. Another lie they had told me, the school, they told the school advisors that I had a social worker in Juneau, which really is assigned to my sister and my brother. And Ms. ____ was ___ that she is only my secondary social worker and that she couldn't do anything in _____, besides she would be going to a different division and whoever else just had to take it up with them.

SEN. COGHILL:

The things is, you know, we can't get directly down into it because obviously by what we hear the reprisals that will come down. What we have to use is case X to find out why this is happening. Incredible, but our system is failing so badly.

EILEEN:

Well, okay, as far as friction with this foster home. We've been going to a laundromat cause we pretty much _____ washer and dryer but I don't get _____, I mean she, the _____ getting laundry and stuff to do her own job too, I mean she has a nother job too. There's a little bit _____, but her _____ some of else to help. And with this last voucher I got, and that I had to buy \$250 just to _____ barely lasts a week. So _____ there hasn't been any shortage of food or anything like that. Its just that the Division is like _____ and the Division has a large tendency to dislike people who try to keep, _____ this clothing voucher, where is it. They don't like that.

SEN. COGHILL:

Thank you. (End of Tape 5.)

SEN. COGHILL:

We will be in contact. Would you take one of Kathleen's cards.

EILEEN:

___ one thing I was thinking about ___ was that (indiscernible). ...feel bad, I'm just wondering why I'm trying so hard. Maybe I should give up.

SEN. COGHILL:

Don't give up. Thank you very much. Now, what we're going to do is we're going to marathon this. Walt is going to go up to a meeting and get him something to eat. I'm going to keep on going. I have an appointment at noon but I'll stretch that out so we can keep this going. Its very important to get this stuff on record. So you want to give us your name and give us your story. You've got to speak up to that.

TERRI MASON

(Indiscernible).....tell the kids that they're going to home in 2 weeks that changes into months, and then they got to do all of this stuff.....and they never see their social worker.

SEN. COGHILL

You ever see your social worker?

EILEEN:

No. _____ except for one investigation.

SEN. COGHILL:

No ___ calls, no...

TERRI MASON:

If they want to talk to the social worker, they got to come to the social worker. _____ was supposed to talk to them at least once a month, and _____ (indiscernible).

SEN. COGHILL:

You now, you say that they are going to pull you out of the house?

TERRI MASON:

That's worst thing. But the allegations _____ in trying to reason with _____.

SEN. COGHILL:

Thank you for your record. I really appreciate it. We're running quite a bit behind but we're going to keep everybody on that we can. Rick Grob? Rick. We're running behind, we will ___ your time. Yes sir, just give me your....Rick, the record your name. Appreciate you coming. Appreciate you taking the time.

RICK GROB:

Thank Senator. My name is Rick Grob and its spelled G-r-o-b. And today's date is September 21, 1990. Its Friday and about 12:20 a.m. or p.m. And Senator Jack Coghill, I understand you've been empowered by the Senate president, Tim Kelly to investigate the Carlson affair, but to monitor the ombudsman's investigation and the District Attorney's office and Attorney General's office and the Judicial Conduct Commission on the handling of the complaints they have received about Judge Carlson. Is that correct?

SEN. COGHILL:

That is correct, yes.

RICK GROB:

There were nearly 1,000 signatures collected on a petition by others requesting a public hearing to present evidence and I'm glad that we can be here today to do that. I will, if I may take leave here briefly to deliver up to the table pictures of my two children. Holly and David. This is the purpose and reason I'm here today. Holly had a birthday yesterday, though I have not really seen them for 18 months or close to two years now since this holocaust started. But that's my purpose and reason for being here. It is my hope that as you look into the agencies that have failed to

protect our rights and liberties from judicial terrorism and from the _____ of a state bureaucracy that we'll end up with hopefully some kind of truth. Cause its my belief that truth and justice have to be found in our morals and that the system only works well when the public masses observe it and monitor it closely. So I hope that we're trying to do this a little bit today. I'd like to share some of the ideas and things I've been through if I could because I've experienced them individually. Its been very rough to take a stand for what's right and for what I believe in. I know some about about the law and constitution and due process. But because there is a very negative repercussion both financially, emotionally and legally due to the power and positions the state agencies hold, and judges over you, I would again ask the Senate Family Law Review Task Force for some kind of protection or overview of _____. I was told I would get that in writing and that would be provided.

SEN. COGHILL:

Well I have asked the legal people in the legislative function to give that to you as to the extent that we can give it to you. I understand that with a task force, a task force is not the same as a committee. That's conflicting because there are other people saying the task force has the same rights as committee.

We have asked that the legal services of the legislative branch _____ to give you that assurance. And the assurance that we can give you on record is if there are any reprisals for anything that you have told and this leads back to any of the testimony that you give publicly to this committee and _____ any reprisals from the court or from the division then we have recourse. And if you feel uncomfortable about testifying in public, you can testify privately and we can _____. So I mean that's our options.

RICK GROB:

Thank you. I just wanted it on the record that I do seek _____ injunctive relief and that I am expecting to have some kind of protection from the power decisions that be. There is a tremendous cost to what we're involved in, not only to the state and the legislative and to the judicial powers, let alone us as citizens. Its not just that I am a dissatisfied individual with any court decision, nor that I have not worked within the bounds of the law. Rather I have felt the abuse of the system and state agencies. I have been manipulated by individuals who have been placed by the Governor through his privilege, and you have no idea about the person's character, personality, their mental capacities as you try to work with them. So particularly I went through the appeals process to

try to pin down judicial abuse in several areas of canons and professional conduct that was a mystery as to how these things could be brought about and done. Files were lost or misplaced, and then again I was financially ruined with judgements where I earn approximately \$1200 monthly on _____. I have felt the retaliation and vindictiveness of being told I'd have to pay child support of \$40,000 a month. This was outrageous, it was vindictive and was harassment. This harassment has continued throughout the state's agencies who feel they have no choice but to try to collect that through garnishment of 55 and 60% of your wages; 100% of your property; confiscating bank accounts; putting your name into credit bureaus and other information sources as a bad risk and as not paying your child support of \$40,000 a month; as ridiculous as that sounds. These have caused me financial harm where I'm not able to get a student loan to go to college because I am in arrears on child support. I also had a bank give me a \$10,000 business loan that when they got to the report that CSED had sent to the credit bureau that I was in arrears with the state collection action, they cancelled the loan. CSED subsequently established no compliance in the child support enforcement division and was told that their errors was included in the statutes, and they sent a letter rectifying it, but they said they had kept it away for 30 days for

_____ sign it. So there is really no supervision that I....

SEN. COGHILL:

That cycle, was that on the \$20,000 or was that on the _____.

RICK GROB:

That was just on the error - well, there's two orders that CSED has out right now. One's administrative against me for the welfare fraud that the ex got when she kidnapped the children. See I have legal physical custody of the children by the courts. The ex and her mother stole the children and she was arrested for that. But during that course she went on welfare. Welfare, through the state and CSED, assessed me for the money that was given the ex. And administratively came after me for that. Then the other order that CSED is claiming arrearages on and pressing in with power is the one where the court system, for \$40,000 a month that Judge Carlson signed _____. So they're trying to collect on both of those. And it was the billing that they sent to the credit union showing I was in arrears that was out of procedure that they then apologized to _____ I finally got them to put a short sentence on their letterhead that it was an error they corrected and had it withdrawn. And, the process, its been a

nightmare actually ever since I lost simple control for my family through divorce. I'd never been in the courts. Never been in front of a judge, or in trouble. And this started in July of 1987. But the reason I was brought into all of this was because of a bad judicial decision and a judge, Victor Carlson. what I thought was interesting is that we have tried to work, I might say Senator, with uh, let's see, we've gone through the Alaska Legal Services first because the courts say they can't help you and appoint an attorney even though you're indigent - the courts have taken all of your property and money so you can't hire an attorney to represent your rights. And you ask the court to appoint one and they say well you've got to go through Alaska Legal Services. We did that and we went through their administrative procedures. I was lied to. I was put on hold for 9 months. They said they didn't have money and that they weren't taking any new cases until their _____ practitioners got off pregnancy leave. There were two living together at the time that were not married that were having a baby in that department. Subsequent to that we found that they had accepted four cases prior to mine while they were on hold and not taking cases supposedly. Of those cases, one of them happens to be a friend of my wife's which was accepted. So there was a conflict of interest that arose so that my case was never accepted and never handled. I

purposely got to that agency first because it is a known bias that most women are directed there and if they're on welfare they are automatically accepted and they get legal representation which can save them literally hundreds of thousands of dollars in _____. But if you're the first one there, you're the only one that gets service. So I qualified in every aspect from income, requirements of timing, but I was kept out. I thought I was discriminated against based on being a male. I took that to the Equal Rights Commission which found your _____ and sued the other agency over this discrimination. That lawsuit was handed to an investigator to investigate the findings for about a year. We went through two different counselors with that agency, who then decided because they bartered with the Bar Association and the Alaska Legal Services, which are mostly lawyers, that it would be cheaper to go ahead and dismiss the case rather than solve the constitutional issues. So after a year of trying to get that, we found that there was no resolve and there was no help. Meanwhile we're still trying to fight for our children; fight for our constitutional rights; stand up for what is truth and honesty; and...well so what we found out is that we had been misled, we'd been professionally lied to by state agencies. And we found that we were caught in a web of power and politics. Not only were there unconstitutional challenges because

of the situations and incredible evidence and information that kept coming out, but the _____ then of jurisdiction and controversy of the state agency versing one or the other. And then when you try to get something resolved they would say, well you haven't tried all your administrative remedies. You can't come to the court yet. And so they throw you back out like a fish out of water to the state agencies. And you find that there you face people institutions that have powers that took away your livelihood. They force you spend your resources or money you didn't have. This destroyed my life. At one time I know I faced loss of income, professional reputation, peace of mind and at one point there was even a hostile threat of jail. I believe there is a bias in the State of Alaska against heterosexual males, especially with one who holds a conservative Christian lifestyle or a view. The agencies deliberately promote confrontation and misrepresent facts when using their position amongst their power. And they do launch misleading facts. Its the old Bob and ___ game again. They stir up the facts and _____ to suit their own hearsay or perjury. These kinds of actions are deliberate extortions and often don't coincide with the best interests of the children. There are self-perpetuating agencies that decide on areas of family law matters, divorce, custody, _____tation, and they turn this city and state, in

fact our nation, into a world sewer. I would denounce the policies which _____ often rules. The agency rule _____ must not continue and cannot replace constitutional law and rights. We also have to watch judicial privilege which can be used to protect agencies once they have crossed _____ over incredible damage, harassment, invasion, loss of employment and deprivation of rights in a continued wrongful and unlawful execution of numerous illegal papers. These _____ acts, once done under of the cover of law or state statutes, have to be subject to constitutional law. When they cost people and _____ citizens of the United States and Alaska to suffer deprivation of their rights and privileges and amenities, some are not due process of law. We've got to hold these people that run the agencies accountable. Because when they wrongfully jeopardize the basis _____ this very nation was built, someone has to be held accountable. For example, we went to the - well what agency should we pick - we've been to the Alaska Judicial Council, the Alaska Judicial Commission, Human Rights Commission, Equal Rights Commission, Ombudsman's office, we've been to the Attorney General's office, the Men's Commission, the Women's Commission - or the Men's Commission Committee, CSED, Alaska Permanent Fund. I mean it branches out like a bad sewer smell and you just can't contain because one interblends with another. The agencies

extend and control by asserting claims over people. Their influence shows how they ____ citizens with legalisms and _____ discourage any sensible policies. Agencies, such as CSED, are developing law when rules are challenged. Sometimes if the judge feels that the ways the agencies can present a different structure of legal duties that would obtain a preferred result, then its off to judicial conscription and abuse without considerate of discretion. Agencies duress and enforcement threaten citizens by not giving us an ability to have an exercise of checks and balance over government. Agency people and leaders must be answerable for their decisions and alternative choices have to be done before we forsake or abandon a sound law. The upshot here is that no one here is responsible or accountable. The point to make is this: Once the state or agencies have determined they are God, no amount of complaining or denial by citizens will make any difference. I have a copy of an editorial, a letter to the _____ in the Anchorage Daily News that I wrote on how bureaucracies trample the rights of individuals. I'd like to read it into record briefly and then submit. But in that I stated that today's agencies, the Alaska legislature and judiciary as a whole are ruled by a governing class that has contempt for the original constitution and its principles. They run on one set of arguments and govern on another. Nothing better reveals the distance

of these elements from the people in their conduct towards citizens. Co-independent agencies that micromanage sweeping sectors of our natural life tilt our pre-sighted government in favor of its own powers. These manageable agencies spew forth regulations that have a force of law and provides opportunities for harm and corruption behind the scenes while enabling those responsible to blame _____ who monitor or meddle in any _____ of our right. Their decisions and procedures are necessary. Although these actions have been sometimes criticizing the past, the position often taken is full of special authority. The place of diplomacy, even when constitutional rights are violated, and no due process is _____. In fact they often exempt themselves from obeying the laws that they enact. Citizens are _____, castrated, denounced, and accused of harboring illegitimate foster emotions and treated with fewer rights than criminals in a courtroom. It has become a brutal area where citizens are _____ and held up to public scorn. Reputations and careers have been ruined without redress. This _____ product endeavors to deny us our rights. The proceedings trample on our constitutional rights and have opened the gates of the secret slanderers, gossips, hypocrites, and undocumented enunciations and unproven charges. And basically that's my overall feeling. We have tried, myself, to work with many, many of the

state agencies on the welfare fraud, when we tried to subpoena papers from CSED, Child Support Enforcement Division, the attorney general steps in representing them a state agency and fights me in court to suppress the subpoena for information. I thought it was rather odd and a conflict of interest that I'm asking the same attorney general to investigate the welfare fraud on the ex, which they denied because of the simple under \$10,000 that she got, it wasn't worth their effort to do it. I was told personally and have recordings that if they were to process it and you go to court, the judge will probably slap their hand or say that she didn't, that she spent it on the kids anyway, so I'm not going to do anything. So they wouldn't even prosecute for fraud which they found a lot of substantiated data that there had been. Yet though for three years dogged me right and left on every fact they can take, to get the money from me, to reimburse them for the welfare fraud and for the illegal use for the gain of the funds that the ex got. So that carries into one aspect of the bias of the system. And then the courtroom, the judge almost goes always goes with the attorney general's request. So my request and subpoena for information was squashed. Thereby I end up in court or the agency hearing with no representation. In fact I challenged the CSED in a lot of their standings and they were found at fault. But having to

go to the commission head for a hearing, we ended up after _____ manipulations to their hearing, and there was Rick Grob, the layman, sitting at the table - the obligee or obligor if you will. Then on the other side of the table there was Hugh Malone, the commissioner of Internal Revenue, there was Doug Bailey from the Attorney General's office. There was the head of CSED, Chuck Washburn, one of their chief investigators, and some other police enforcement official. And I asked for representation during that because I was nobody and didn't have any knowledge, but I knew I'd been wronged and I knew they weren't following statutes. I was denied representation and I was forced to proceed in lieu of that. They started off with several misconstrued lies. I asked that everybody be sworn in under oath of perjury for their statements. They all declined and refused and the commissioner, who was the head hearing official there, would not force them, yet they forced me to go ahead and take an oath and testify under perjury if I was to lie. I thought that very interesting. These are the different kinds of things that we go through.

SEN. COGHILL:

You mean they testified on the record, and they didn't have to take the oath that they required you to take?

RICK GROB:

That's correct.

SEN. COGHILL:

I wanted to make sure the record has that.

RICK GROB:

And several things were proven to be mistruthful and outright lies and statements from the onset. But, you know, so trying to work with state agencies to get them to do one thing or another has really just been unbelievable. We worked with the Ombudsman's office because when we went to the Judicial Conduct Commission with Marvin Greenspan, and even before that, there were complaints from the citizens. I have here, as you see, two file boxes full of thousands and thousands of paper from about 10 different state agencies that we tried to work with to protect our constitutional rights and to get things that should have happened. Nothing was done. Everything's in writing. Everything is documented, titled, dated and ready to get copies and be submitted for evidence. There were investigations that were started because of the allegations and complaints. The investigations were either one way or another ended up being a whitewash. But gathered there was some incriminating evidence about, yeah things weren't done right. But when the agency says we're going to work

with you, or we'll try to stop that then everything's settled and the Ombudsman backs out. But there's not been any recourse. There's not been any of the victimization stopped. There's not been any of the procedures corrected so that it doesn't happen again, or the victim - like I was told by Molly Beaston in a letter, that the minute I file a complaint against a judicial judge with her agency, that I was no longer a party to the case, even though I was a victim of a bad ruling that affects me and my children. It then becomes between her agency and the judge and they are the two parties in the case. And of course, as you know, the Judicial Council has for its board members three lawyers that _____ in statute and three judges _____ and I think one or two citizens of a business nature that are pretty well known. So you have the bias set up already for the protection of the establishment whereby they can screen out -- they occasionally recommend to the supreme court that sanctions be done. Of course its all in private - its all secret. You don't have access to the information. You cannot have minutes of the meeting, but they want you to come and testify under oath. Put yourself in jeopardy for that harassment or vindictive flashback. Yet, you're not a part to the case. And you don't have access to any of the information. The ombudsman did a complaint because I had with Marla Guenstein and her

agency over a two and half years I've had complaints against judges for illegal activities, both carnal and civil in breaking the judicial cannons and civil laws. That agency has not acted on or investigated those complaints though we've had numerous legislators write; we've had other agencies investigated. Found that there was gross error against them and they were wrong in what they did as a agency; did not fulfill their commission by the legislature or spend the funds properly for what they were enacted to do. This takes months and months of time and much money on my part. And many others in the state, their emotional and _____ well being, only then to be whitewashed or to not have anything. There's no recourse. There's no right to redress. And we need to have something like that established for the public when they are done wrong by the state. I should not have to spend my private funds and money when a judge or state agency does something wrong out of the statute and illegal. When I have to fight the attorney general who steps in to protect the agency and the judge that's in the court system. I'm going all uphill and its a one-sided game. And they've got the state's resources and money to protect themselves and fight any correction that I would want when they're out of law and acting out of statute. Yet us as private citizens have to spend our own money and our own time. Something is wrong when that is the only

corrective measurements we have. So I'll kind of wrap it up here and answer any questions. I would like to be able to get all of this in the record at your convenience. I'll certainly supply it to you. There are just major abuses and the upshot, I think the bottom line of all this is, is that the children suffer. That Holly and David haven't seen their father who psychologically and emotionally has been checked over three court appointed psychologists and got great ratings and was told it would be best for the children. And for 18 months or longer, I think I had a two-hour supervised visitation. And that's been it. So Holly and David suffer, not only mentally, but emotionally. And this will affect them the rest of their life. Read some of the testimony Jack and _____ here today. Just makes my heart cry. So we have to do something about it. The hope in my heart is that truth and justice will prevail and that we as concerned citizens and people can watch it and create a system that's going to work for us. We've got to hold them accountable. And right now there's no way to do that. The bureaucracy protects them of their arrogance, those that are in power goes unfettered. One thing I'd like to see this legislature do is in this State of Alaska, we've seen it fought once before and almost _____ lost, is when state agencies make a regulation of rulings, there's no arbitrary to the legislations _____ for enacting them,

the agency wins and their rulings become law over and above what the legislature says they were enacted to do. We've got to stop that kind of abuse.

SEN. COGHILL:

I agree with you. You have given us a testimony on record and its just right on target to where we're coming from. If you have any - I don't have any questions because we could go on and on and on until another legislator, till Walt comes down after we get done with this one, we'll just take a recess 'until he gets here because I have to leave at 1:00. Rick what I'd like to have you do is go through the record, your stuff with Kathleen. We've got a week we keep our record for each hearing open for one week after the hearing. But you could still submit it at anytime if you have some information. But that gets into this hearing sequence. And that's we want it in this particular two days of hearings, cause we're gathering information as to where the divisions within the child support and the DFYS where they are broke down. And obviously if you wanted to get a really class action or class situation would be _____. And people don't realize how bad this system is broke until they get into it. You never get out.

RICK GROB:

Well the other thing then I'd like to bring up and perhaps the legislative agency could give an interpretation - is when the ombudsman's office investigated the administration of the court system on the improper handling of cases in family law, what we were told was that the secretaries were given judicial immunity, such as the Ombudsman's office and do not have the power to inquire or investigate the illegal or unethical handling of cases procedural in the administration. Now they're state employees and the Ombudsman's office was created to investigate state employees or agencies when they are, or not acting according to law or they are hurting the public. And we have not been able to challenge this issue. We find that the Ombudsman's office more or less aligns with or works with the powers that be and says, yeah, there was something a little wrong here, nobody's found it, but they say they are going to try to do better so we resolved the situation. And we haven't found out why, how a judge, or how that claim can just come out of the air that the state employee has judicial immunity because she works for a judge. And again you're stifled. You're a civilian.

SEN. COGHILL:

Before you go any further on that, for the record, that immunity came from the judge that she worked for that gave the order?

RICK GROB:

I have no idea. This is just a statement that was given to us from the Ombudsman's office when they tried to investigate....

SEN. COGHILL:

Would you provide us a copy of that statement. Do you have that in your records? If not, we can ask for that. We need to find that because that's a key area. I'll go up to the Chief Justice of the Supreme Court with that one because there should not be any hiding of any procedural structure when a complaint is due to this kind of problem. I just want to make sure the Ombudsman's got that, because then we'll, we should _____ because we can fight windmills all day long. What we need is hard copy.

RICK GROB:

So we have all this and we have a file going back two years with about 5-7 different Ombudsman investigations. Some of their reports are 15 pages long but they are very informative and of course we will provide them to the task force for Senate Family Law Review.

SEN. COGHILL:

Alright. This afternoon, we're pretty well booked and we're still one behind. Gene _____. I've got to go at 1:00. Walt said he'd be back at 1:00. We're going to have to take a recess until one or two legislators that's on the task force with me, because the task force can't proceed with testimony without at least one legislator here. Sorry, but the current events of two days ago require that I've got to be ____ at 1:30.

RICK GROB:

Would there be a chance that this be held over one more day?

SEN. COGHILL:

No, because we can't use the room. There's this national conference that's going on. But we will, Walt, ...we will take...we take written testimony. We can take written testimony. We don't want to cut anybody off. Would we, maybe we could call up and find out if Walt can get this - somebody down here - we can just continue to go. That's what I'm trying to do. I want to get everybody on record. If we can find where Walt Furnace is or Walt Fischer - one of the two is supposed to be here, cause I have to leave. I could get back maybe by 4, but I've got to go. The way we schedule testimony and teleconference - we have to

schedule whenever we've got available. (He's coming right now - he's running down the stairs).. He's coming down the stairs right now, so we'll just keep going so if you want to come forward and give your name. Are you....

DON SPUR:

My name is Don Spur (ph). I'm a social worker for the _____ I guess for the - and I wish to address the situation for _____ who testified a little earlier this morning on foster mothers, and former foster mother Terri Mason. As I have been their therapist for Eli and Eileen for something over two years. The majority of the time they were in _____ for foster home and its been my experience that Ms. Mason is a capable foster parent. And I saw both _____ and Eli during the time they were there in the foster home make quite a bit of progress, I mean for children who had both experienced a lot of traumatic situations and _____. And during the time they were in their home they were receiving _____, not only in their ability to function much better in school, but also in the _____ later in life. And the series of events that they pretty graphically illustrated and documented in their testimony today were _____ home was really unfortunate and I think that it was an instance where DFYS really did not handle the situation appropriately at all. In fact

I won't dwell on that a whole lot because I think they presented that quite eloquently. The things that they said. I would like to talk a little more about the fact, what happened with Eileen and Eli were not isolated incidents. They happened at other times too. And at the same time this isn't the DFYS isn't _____ they don't like _____ I realize that the majority of the time the DFYS does a very adequate to a very good job for the _____ children that _____. However at times there are children that are mishandled. And I think that for these children there needs to be some way in which that the DFYS is, can be made to review these kinds of situations. The present time, as documented by some of the other speakers, there simply is no way for this to occur. I think it needs to be something which allows us to, the children, the foster parents or their parents, to have an outside evaluator and something that has some kind of teeth to it so that DFYS is made to respond. _____ this is not _____ this is absurd. And I understand that the testimony of other people _____ suggesting this morning also, and I want to simple add this as a professional who has worked with DFYS and have been a social worker in Anchorage for over 20 years now. I _____ and I think that this would be certainly something that would be helpful to DFYS too in the long run. Not only for these children _____ and I suppose the last thing to say

is that the difference _____ these were the people that hand out more hurt unfortunately_____.
Thank you.

REP. FURNACE:

Thank you. If I could I would apologize, I_____.

DON SPUR:

That's quite alright. Sen. Coghill was here and _____.

REP. FURNACE:

Thank you. I apologize for making an interruption here. _____. Please state your name, spell the name and proceed with testimony please.

RAY SIEBER:

My name is Ray Sieber. R-a-y S-i-e-b-e-r. I'm here ___ on Judge Carlson _____ and other people that were involved, or agencies that were involved were DFYS and APD for _____ set forth with Judge Carlson. But I've already discussed in the other or some or the other _____ Judge Carlson and I'm here today to discuss primarily DFYS. I've been corresponding with DFYS since July 3rd. I've been asking for information in regards to the investigation that was done by the individual within DFYS, Susan Eakins. Mrs. Eakins, in

her testimony, I had my trial transcribed at a pretty high price to be quite frank.

REP. FURNACE:

Pardon me, is it my understanding _____ that you have testified before the committee before?

RAY SIEBER:

No I haven't. My sister came to represent me, I was not in town, and she read my written testimony.

REP. FURNACE:

What you may want to do, just for the record in this segment of the transcript. Just give us a little capsule leading us into your starting, your starting _____. So maybe you could just give us a little intro as to....

RAY SIEBER:

_____ before I went to court.

REP. FURNACE:

I was speaking more of why are you here and what is bringing you here this morning.

RAY SIEBER:

Well Judge Carlson - I was in a custody battle and...(tape change)...for a situation taking place at another's house with another boyfriend. One, the sleeping arrangements - they were all sleeping together and I find that to be unacceptable, and later came out that bathing arrangements, they were all bathing together. I had, my daughter woke up screaming one time, one morning. I told my counsel, _____ that they are concerned about the whole ordeal. He advised me to take her to _____ which I did. During that time, _____ it came out that not only were they sleeping and bathing together, but the boyfriend was fondling my daughter. It was reported to DFYS. Susan Eakins was the person that did the investigation at that time, and at time I became with DFYS. They came to the court and testified that this custody issue on my behalf and that I was coaching the daughter, my child, and APD also testified wrong, lying. In conversations I've had prior to them testifying in court, were contrary to what they testified to in court. The problem being is that their story has changed all the way along. I have testimony that, from the written testimony, that's contradictory testimony from each individual as to what has taken place. Its also come out that there has been some disclosure of confidential information by the DFYS. She did not follow the _____ guidelines as to her investigation. I've gone through, I requested

information on July 3rd from DFYS as to nothing confidential, but as to the procedure of her investigation. Who was contacted? What days? What date they were contacted? Who was interviewed? Questions like this. I wanted to know who was contacted and how this investigation had been done. They threw this out. They told me they wouldn't release this. This was a verbal conversation. I finally wrote to them on _____ and asked for this information. They told me that they would have to send it to the Attorney General's office. It took them two weeks to the Attorney General's office. I called the Attorney General's office, they had not even received it. It hadn't left DFYS. It was never put in the mail. And they had told me that day that it was already sent. The Attorney General's office called them _____ to them, even after he read the letter, it took them two weeks to get back to me. They finally sent that, a letter stating that they wouldn't release the information to me. That I didn't have the right to this information. So I, I asked for the information. They sent me back this hideous looking _____ of information and I went in, I took it and I showed it to them, my attorney and a few other individuals and he says, and everybody said, what is it, this is ridiculous. Its contrary information on it. Its unclear. Its unconcise. Its just ridiculous. And so I took it back over to DFYS and I asked them

what is this. Well it comes to find out that they told me this was ___ to go out. This was a preliminary and they don't know how it got out. Well, during this whole thing they have swapped Ms. Eakins as supervisors and they swapped. Now I'm dealing with this other supervisor, which has been uncooperative, _____. We went up and raised the debate on paper here on trying to get this information. We just keep going back and forth. And making no headway. And even though the Attorney General said that I could have this information and I'm a party to this. So, finally, that was the latest reply. But prior to that, uh, when I took this back in and asked them about this first receipt of information I requested, they told me that was not supposed to have gone out. So then they were going to have Ms. Eakins file an answer to my request. And Ms. Eakins, in one line here says, "I interpret this to mean that in addition to annual information, Mrs. Worthinger has provided Mr. Seiber, Mr. Seiber would like to know what was said to whom and when." Which was completely inaccurate and is very _____. Mrs. Eakins is interpreting this. And it was written by _____ as to what I was requesting. And I replied to this. She gave very little information. It was hardly any dates, it was not what I had asked for. It was very _____ information as to explained why she didn't isolate my daughter when in the manual said that she was supposed

to isolate my daughter. She interviewed my daughter right in front of her mother. The person that was suspected of telling of her, my child, not to say about sleeping and bathing arrangements. And yet she did it anyway. And it was written in the intake reports. So she writes me this reply. So I responded to that and I basically told her that you know, the partial response and that her interpretation was not correct. And to preclude anymore problems for misinterpretation at this point, I created a form of specific questions which was recommended to me by the Ombudsman's office. They told me that my questions may be too specific - or not specific enough for them. That it would be more proper if I, or more clarifying to them if I got more specific. So I created this form asking for specific questions about specific people that I knew were involved in some respect in her investigation. Well, the reply I got back, okay, was so that - all the information I received is all the information I'm going to receive. And I'm not receiving any more. And that she says here, "at this point it appears that the ____ who addressing concerns ____ is agency grievance procedure. I am aware you have been informed of this procedure and a form was sent to you by Marsha _____. However I am enclosing an additional set of forms for your use." So in other words - and they keep telling me that I refuse to go in and file a grievance procedure until I

am supplied with this information. They refuse to supply me this information. I have received the file. Supposedly in its entirety. There's some real weird things going on here. Things aren't adding up. Dates and other things are not adding up. They're telling me that's all there is to the file. There's not accurate records. I know from here that there's more information and its not in here. And they're refusing to give it to me and that's what this form was all about. Getting to - I want - because there has been some biasing; there's been contacts that were biasing people; influencing people; all my _____ to support her through her opinion that I was coaching my daughter and that this is a custody case, which is totally false. But this is the position she took and she made sure that everybody was in support of this position. And she had _____ anybody else with any information. Its all right here. So I've gone to the Ombudsman's office and currently I'm stuck with these people because they're telling me I have no other avenues. I can't _____ I'm looking for an attorney right now that will file a lawsuit against them for specific , what do you call it, procedure, or something _____ performance, yeah. Uh, and nobody wants to take them on. Everybody says that its a losing deal. That they're like God or something. And I talked to three attorneys this morning, and nobody wants to take them on. This woman

in this agency, I know for a fact, that I can prove this is a lie, and yet nobody is willing to take these people on. I found it real interesting to listen to these kids that were here. They've been deceived, lied to, and just basically told what is going to happen to their lives with no say as to what's going to happen to them or what they want to happen. And that's what's happened to me and obviously to a great deal of individuals that have dealt with this agency. They're not accountable for anything they do. They are not, they are refusing to give me the information that they conducted this investigation under. Why? Its real interesting. If they had done nothing wrong, why would they refuse me information to their investigation. This is not confidential information. I'll have you know, it is not at all. And yet they refuse. The Attorney General - I called him yesterday. He told me that well, if that's all they're going to give you, that's all they're going to give you. Do whatever you have to do. So, he brought up - and there's another interesting thing with DFYS. I went down, I found that there was a subpoena in court. Prior to court my attorney asked DFYS - we wrote in the file for the file, my daughter's file - to view this file from DFYS. They refused us. There was a subpoena from my wife's attorney, my ex-wife's attorney for her to appear in court - I'm assuming, I'm not sure what the subpeona

reads cause I can't get a copy of it. I'm assuming for her to appear in court and _____. But it was a subpoena for her and her files to do something. I don't know if it was to go to court or to go to their office, whichever way it went here - there was a subpoena. The subpoena is no where to be found. I went in to talk to Anita Steven's outfit, DFYS, Anita Stevens was not sure why the subpoena was not in her file. She looked through it _____. Another woman walked by - and I'm not, I don't remember her name right now. She told her there is, asked her what the policy was as far as the subpoena, why it was not in there. She said well the subpoenas are a personal nature. They are only to be - that individual ____ the subpoena, is their subpoena, is not part of the file. And that subpoena goes in their records or their files or they do with it what they will. And I said well, and then she asked well what do they generally do with it. And she said they generally got shredded. And I said well wait, you guys are a state agency, you're reportedly a state agency - this was a subpoena for her to appear in court - I mean she states it right in her response and she says here "I was in contact with Mrs. _____, Mrs. Seiber's attorney, as she subpoenaed me and my files for information." Now this _____ don't know about the subpoena. And the reason I found out because

I asked specifically in my request about subpoenas or any request for information.

REP. FURNACE:

If we could just take _____ for just a moment. _____ Armstrong from Juneau _____ we'll just take care of it. Let's go ahead and we'll take _____ Friscatti.
(ph)

Sandy Friscatti:

My name is _____ from Alaska Dad's and Mom's and I'd like to _____ this task force _____ (entire teleconference indiscernible).

REP. FURNACE:

Thank you Sandy. We will come back to Anchorage at this time and Mr. Seiber will continue.

RAY SEIBER:

I was thinking I was discussing _____ as I stated before I talked with Anita Stevens, Ms. Eakins supervisor. And she had called another person in about the subpoena situation with me and then we found the file and indicated that this other individual of the agency that it was not part of the file, that it was not _____ was supposed to be in that file, that it was a personal document to the individual who was subpoenaed, which I

find very interesting because individuals subpoenaed to court to testify on behalf of this case, it would seem to me and the Ombudsman to ____ also that they found it to be very strange policy that this would be viewed as a personal document, not a document found in part of the file. And they told me that they shred the document - they generally shred the subpoenas. So I immediately after this went to the Ombudsman's office and I told Kevin Heron from the Ombudsman's office about what had gone on. He called the agency and talked with Anita Stevens and verified this policy. I called them this morning and I asked them for a letter stating, verifying that this conversation because I have no documentation to support this. All I have is the conversation that the Ombudsman called to confirmed what they had told me. And they were reluctant to give this to me. I was supposed to be over there at 1:00 to see them but I told them if I didn't make it that what I was going to do is just tell this task force that they do have verification in Mr. Herring's notes and I still would like a written copy of something stating that this was the policy that was stated to me by this agency. I still, I've asked for a copy of the subpoena through this agency. They have not supplied me with a copy. Today I found out from the Ombudsman's office that they were told that the copy is in the ____g's office down there with Diane Olson. I called her.

I've not gotten a return call _____ I don't know. The interesting part with the Ombudsman's also is they seem to be a good ear. They like to listen a lot but they really haven't done any good. They haven't done anything. I asked them, I asked them today that I would request that they go in and try to get this information that I requested that was by the attorney general's office said to be given to me and that is not in this file. The file is incomplete. I've showed them where its incomplete, and I requested that they go in and ask for this information. Whether they're turned down or not is another thing. They're reluctant to do that. They're telling that they think I should go through the grievance process at this time. I'm not inclined to go through the grievance process until I get the information. Everybody knows that because the information is of her procedure, and she's not wanting to relinquish her procedure. She doesn't want to be accountable for her procedure. That's the problem here. Uh, when I first got back to the Ombudsman's office I asked them, I asked, I was put in touch with a Linda Lloyd J_____, and I asked if they'd become involved in this case. And she looked into it. She called Mrs. Eakins at DFYS and I believe she made a call to APD. And to know surprise to me she was told that I was a disgruntled father that was just unhappy with the court decision and that there was nothing to

my allegations and they don't know what my problem is or what I'm trying to achieve by going through them. And in response to me from Mrs. Lloyd Jenkins, she writes, I think she says I'm writing to tell you I've closed your complaint with this agency. You contacted me on June 21st with a complaint that a caseworker at the Division of Family and Youth Services has failed to adequately investigate your complaint of sexual abuse to your child by your ex-wife's boyfriend. You also allege that the caseworker has lied on the witness stand at the custody hearing. I have enclosed a complaint since you have filed a grievance with the agency about the issue. I never filed a grievance at the agency. She was told I did. _____. "Our offices require"...key word here "require" she writes here, "Our offices require to wait until complaints follow all available administrative procedures available before we become involved in this complaint. Because you have contacted Mike Worlinger with your grievance, I am closing your action. If you follow the grievance statute through to completion and are still dissatisfied, you may recontact this office. A complaint can be reopened." I contacted Mr. Dunkin Fowlin after talking with some friends and information come to _____ is very interesting. This was my reply to Mrs. Lauri Jenkins. "I received your letter informing my you have closed my complaint concerning the Division of

Family and Youth Services (DFYS). You stated this was because I filed a grievance with DFYS. I am writing to inform you that I have never filed a grievance with DFYS. I have however requested by phone and now by letter information regarding both _____ and technique of the investigation done by Mrs. Eakins from the DFYS. And I attached the letter. On July 2, 1990, I spoke with Dunkin Fowler about my situation and concerns. He suggested I correspond by letter with the DFYS which would allow me to create a paper trail. Also we discussed copying all correspondence to your office to keep your office informed. Furthermore, Mr. Fowler informed me that your office is not required to wait until complaints follow all available administrative procedures available before your office becomes involved. He did say that it was _____ preference to allow your agencies, or other agencies to work out their own problems. And this was very misleading, because when I walked away from that agency, from the Ombudsman's office, I was under the impression that they could not - they were required to stay out of it until I followed all in-house grievances before I could come back, and that is not true. And I even have the origins or whatever it is, the rule _____ in the office. Me and Karen _____ went around and around about this. And I told her it was misleading. It was misleading to me when I went away from this. If it wasn't for Duncan

Fowler informing me of this, I would have never have known. And I would have never gone back to that agency. Not like its done me a lot of good. They haven't done me any good anyway. They don't do anything. I've asked them to go - I'm hoping that they will do something. I keep hoping. I hope that somewhere here that somebody will do something. But everybody just keeps listening and taking information and sitting on their hands. And they take DFYS' word for everything. It doesn't surprise me that DFYS came back to Linda Lloyd Jenkins and told her what they told her. I would expect that from them because they have done me wrong. They have lied. They have deceived. They have done unethical things. And I have the proof. But nobody will listen to me. I mean, they listen to me but that's all they do. That's all they want to do. They don't - its like they don't want to have to work at anything. They just want to take in the information and all _____ amount of problems, if I can. At this point, DFYS has just stonewalled me. They refuse to give me the information. My recourse at this point, from what I can see, is to file a lawsuit, as I stated earlier, for specific performance or production or take a deposition. I'm having a heck of a time finding somebody that will do that - an attorney. They don't want to take DFYS on. I keep corresponding and corresponding with these people and its just mental

masturbation going on between me and the agency. And we go no where. And they like that, because I know they figure they'll just run me out. They'll just wear me out. Well they ain't going to wear me out. I mean - when the system, when I have no more options I'll quit. They won't wear me out. But when I run out of options then I have no where to go. But I haven't run out of options, and they ain't going to run me out. They may, I may have to go at a slower pace, but they ain't going to run me out of money because its my daughter at risk here and that's the bottom line. And I told these agencies its not my intent to sue this agency and I don't hold that agency accountable for this one individual action. I think there's many individuals within that agency that are doing the same thing quite frankly, from what I sit and I listen here. Its not just this one person. Its a lot of them. But I do think that there's some of them down there that do do an adequate job. And try to be honest and fair and upright and upstanding. But that's not what has happened here. And they are shunning me, they are stonewalling me, and they're not being held accountable. And the Attorney General's office told me today that I could do what I'm going to do. That as far as he's concerned - he's their attorney. And he's not going to advise me. Well isn't the attorney general's office the people's attorney? (No). It is not?

REP. FURNACE:

Unfortunately, you've learned a very sad....

RAY SEIBER:

That's real interesting, yeah, its very interesting.

REP. FURNACE:

They only represent the administration.

RAY SIEBER:

So there you have it. I would like to get with Kathleen and disclose in private my, what I have on it. And I compiled it. I'd like to go through and _____ understand it because.

KATHLEEN:

Okay. Yes. Did you have one of my cards?

RAY SIEBER:

I took one.

KATHLEEN:

Okay, great. Okay. Give me a call next week and we'll set up - you're in town next week - when do you go back to the Slope?

RAY SIEBER:

_____.

KATHLEEN:

Well okay. Then sometime give me a call.

RAY SIEBER:

Next week. _____ but yeah, I'll call you next week.

REP. FURNACE:

Thank you Mr. Sieber. I see, I believe we have Mr. Isley. Why don't we take about a 1 minute break here - be right back.

PHILIP ISLEY:

My name is Philip Isley. My last name is spelled I-s-l-e-y. And I'd like to apologize right now if I get a little hostile. It, I've been battling the court system for almost a decade now and its pretty much got me worked down. I got married in 1977 in Ketchikan, Alaska and I was divorced in 1981. Prior to the divorce I went and read the laws about divorce and it said that basically custody would be awarded to the person that _____ provide for them. I went to three different attorneys and they told me if I wanted custody of my two boys it would cost me \$30,000 and two of them couldn't even guarantee I get them. I felt that that was kind of against the constitution of the

United States that says that I shouldn't be discriminated against because of sex - the reason ___ it was outweighed because the judges felt that children needed their mother and they didn't really have to obey the written law because they were the authority when you went into the courtroom. My ex-wife started the divorce, she actually filed in March. I moved her things down and she immediately went on public assistance in the State of Oregon. In March she collected \$86 month and then it went up to \$339 a month for the time that we were awaiting the divorce. She quit her job in February and was welfare then since March. Since the time she was on welfare ___ she had access to my checkbook, credit cards, I financed her move to Oregon and I also paid off the bills that we had at the time. About the time we got divorced, she went to the hospital and had a tubaligation and my insurance company gave me a call and told me there was no way I'd ever get the kids from her because she couldn't have anymore. At the end of the divorce I gave her a property settlement of \$11,000 - \$6,000 to be paid in '81 and another \$5,000 to be paid in '82 with the understanding that she was going to repay all her public assistance. She didn't pay her public assistance. The State of Oregon contacted me and I explained to them that she got a large cash settlement cause she was supposed to pay that off. The public

assistance people in Oregon said she didn't have the right to do that. It was benefits for the children and that she shouldn't be allowed to _____ the children's rights. So they tried to hit me with a bill for \$2,300. I paid her child support. She was getting \$400 a month living in the State of Oregon. She rented a nice house with another person. She indicated to me that she found her roommate was selling drugs and evicted her and I didn't think much of it at the time. The later on that year in 1982, my oldest boy, he's about 3, and I hadn't seen him for about 6 months. He called me up at about 11:00 at night and told me that I was drunken and an alcohol and that I beat him all the time. He had a new daddy and he didn't really ever want to see me again. When I sent him letters, my ex-wife sometimes burned them. She denied me phone conversations and she denied me visitation in '82. So I filed for a show-cause hearing in the court system in Ketchikan and I had my child support reduced from \$400 a month to \$200 a month _____ I was working at Ketchikan and was having problems and I was facing a lot of layoffs and I wasn't making a lot of money I was to begin with. The Child Support Enforcement Agency, they stayed on me pretty good there and I called them up one time and I complained to them because there was no way that the state would guarantee my visitation or even guarantee that I could talk to my son on the phone or

send him mail. But if I got as much as 10 days late they would send me a telegram telling me they wanted their money. They told me that I was extremely lucky because I was only paying \$200 a month, it would cost much more to get visitation so I should feel fortunate. When we got to a place where we went to court, since my ex was on welfare, the State of Alaska appointed her attorney. And we went to the show-cause hearing, my wife stated under oath that I made no attempt to get my children, that I didn't want to see them, that I never tried to see them, and that I was a poor parent. I produced letters which she said she'd seen and stated the times, ___ numbers, where I wanted to pick them up and what time - which basically indicated she'd lied under oath. And so I asked my attorney about that - I said hey isn't that perjury. He said yeah, but the court doesn't enforce things like that. During the hearing a guardian was appointed for my children. They came out and investigated me every week. Or once a week when I had them during my summer visitation. During my summer visitation I was plagued with numerous phone calls from my ex and her family. Uh, the, or right after the hearing, my ex filed an affidavit that said she was living in Oregon and the economy was so bad that she couldn't get a job and it was costing her \$500 per month per child to raise her children in Oregon. It was filed under oath. It was a direct lie,

but they just denied it later on down the road and nothing was done about it. The custody, or the guardian that came out to investigate me found that I was a suitable parent and that most of her allegations were untrue. During the summer she had the attorney for the children that she could call and her court-appointed attorney, the district attorney working in the State of Alaska for the child support and another attorney working on behalf of the State of Oregon, so she had basically four attorneys furnished to her by the State of Alaska. My attorney I paid for ____ dollars. The phone calls that she made, since I wouldn't let her - her father called on the phone one day and wanted to talk to my boy who was outside playing, my oldest one, and I figured that cost me about \$200 by the time it all got done. I was out fishing with my son, on a hot and sunny day, and he fell out of the boat - no big deal, got a little wet. Got back in. That probably cost me another \$200 by the time it was all over with, it must have been ____ of exposure. Basically there was no grounds for the ____ that she did. But by calling up to her attorney and to the attorney for the kids, she basically was depleting my finances very graphically. As the years went by I continued to get _____ phone calls. I had to go to Oregon with a court order in order to get my visitation enforced. I learned things that, for my son,end of tape 6....

PHILLIP ISLEY (Continued)

..._____this case ___ vs.____. ...his marriage, the veracity because they were trying to establish a new family. He told him that he should address these _____. My son, when I first picked him up, he was convinced that I beat him all the time. I took him to all the places that we'd lived and places that he went to school. He didn't remember anything. I talked with him about how did I beat him. He couldn't remember any of that. _____ my name or anything. The only thing he remembered is _____ really bad and I'm hurting. I did it all the time. When I would take the boys back they would be real good, they'd like me. They'd tell me they had a great time. The next one, as I would call them, it would progressively change to where, well I really didn't have such a good time. I had a bad time. I really don't want to come visit again. Although the court order said that they were supposed to be enrolled in school under my name, they were enrolled in their step names and were encouraged to use their stepfather's name. Many times, although the court said I was supposed to have access to their medical records any time they went to the hospital I was supposed to be notified, I was supposed to be notified of their school records, I was denied access to most of it. I was threatened by _____ on my phone to _____ call my _____ he threatened to come to Alaska

to kill me. They said there really wasn't anything they could do. Since she moved to Oregon, the venue of the court changed, moved down to Oregon and tried to get an attorney down there to enforce my visitation since the State of Alaska could no longer do it. I didn't really receive much support from her basically. I never made it into court although I _____, I _____ limitations. In December 1987 my ex moved back to Alaska. She moved to Fairbanks. She told me a story about how she never knew her real father and she hoped that her sons didn't grow up that way and she wanted to re-establish our relationship. It worked out fairly good, it deteriorated rapidly after the first summer of visitation, she actually came and kidnapped my children. The act really devastated me. I talked to an attorney who said there, there wasn't really a whole lot I could do about it. I lost visitation the rest of that summer. After she kidnapped them I really, I was so upset that I told her she could adopt the kids basically because 81-87 I really didn't get anything out of the court system. I just paid, paid the money. The court put in an order that said she wasn't supposed to do what she's doing, but she went ahead and did it anyway and there was basically no penalty. When I talked to the attorney in Oregon, she said well we can't really find her for contempt of court because any money she pays will just take away from the welfare of

the children. We can't put her in jail because she needs to be there to care for the children. You really shouldn't think about making her enforcing the court order because she's enrolled the kids for so long under their other name, that to change their name now could have an adverse effect on them. So basically she told me there wasn't really a lot I could do about anything the court order said. Getting back, when she kidnapped them I was extremely upset. She told me to draw up the adoption papers. I went to the attorney. The attorney wouldn't draw them up, so I went to a counselor and we talked about the different things that happened and basically she said that I was in a bad state of ____ I shouldn't really do it. So I sit back and I waited. She called me and she said she wanted to adopt. So she sent me the paperwork and I told her no that I really didn't think that it'd be a good idea, that I wanted to at least try and get back in touch with them. The next month the Child Support Enforcement Agency hit me with a bill for \$17,000. Apparently, what the District Attorney, was working on behalf of the child support. He filed an order to the judge without any backup, it was incorrect. My attorney turned around and filed that we hadn't been served properly and that it was done incorrectly, but the order had already been signed that vacated my initial reduction, which happened in 1982. And it was kind of confusing since there was so

many attorneys and so much paperwork flying back and forth. But basically the district attorney withdrew his motion after the order was signed, so although I was correct and my order shouldn't have been vacated, there wasn't a piece of paperwork according to the Child Support Enforcement Agency that actually said that, so they disregarded the paperwork that I had and upped my child support going back to 1982 to \$400 and charged me interest all of it and immediately started taking \$700 a month out of my check, which wouldn't be so bad except I didn't have any recourse. There was nothing I could do about it. I went to a hearing with the Child Support Enforcement Agency. They said that the court documents that I had weren't enough, and I've been bouncing back and forth between attorneys right now trying to find somebody to sort it all out. After 87, or ___ 88, I attempted to try to re-establish a relationship with them. I found out that both my kids were in counseling for children with parents that were alcoholic. They they were - call if Al-anon. I wasn't allowed to have visitation with my oldest son because he had a co-dependency with his mother. I made contact with the counselor to find out how he was doing and found out that she had taken him out of school. I made an attempt to get custody. My ex fought it. She filed court papers to say that I shouldn't be allowed visitation except under strict supervision in Fairbanks. The

custody investigator was appointed in Fairbanks. I worked with her quite a bit. I got the results of the investigation hearings, I'll leave with you. They have to remain confidential since her name is on it. The things I found about it is there were a lot of times my ex went to the counselor and explained the situation to him and he wrote a report saying that I was unfit and there shouldn't be any visitation there for the sake of the children, without ever even knowing me, without contacting me, just taking my ex's word for it.

KATHLEEN:

Excuse me. This was a custody investigator that did this, and was not.....

PHILLIP ISLEY:

The custody investigator talked to me. But some of the stuff you'll find in here - reports that were furnished to the custody investigator from counselors. It was the counselors that said, my children, and recommended that my children not see me because of their hostile attitude. They'd never even spoke with me, never consulted with me or anything. And some of the things that I found out about this is that back when my ex accused me of being an alcoholic, I asked Susan Daniels, who was the guardian for my children, what rights I had to have her investigated. She said basically the

State of Oregon didn't have any money, and the State of Alaska didn't have any jurisdiction to go down there. During that period of time she was having me investigated by about every agency you could think of. She was abusing cocaine, crack and alcohol. She did it for a 4-year period and went to a hospital to dry out in late '86 or the beginning of '86. Basically she didn't, she said that during that period of time her children were well taken care of so none of that counts against Judy because she was rehabilitated. I've been through two custody investigations now. They can't find any evidence that I was an abusive parent, or that I was an alcoholic, or that I'm unstable, but yet they still recommend that custody goes to my wife, who is turned in her psychological evaluation that she is not that stable and that she's extremely manipulative. The thing that bothers me most about it is that in a lot of the things that she says in the custody investigation, they are outright lies. But when you sit down there, its my word against hers, her word is taken until I can prove it. Then you have to go to court and iron it out. But there's a lot of things in there that I can prove that are a lie, but the ability to prove them is difficult. And you don't really get a chance to sit back and say this is wrong, this is wrong, this is wrong. And some of the things that are in there are - its almost incredible - my ex says that I wasn't

present for my first son's birth. I was present for it and I can prove that and I don't even know why she bothered to lie about it. But she lied and I got questioned about it. And some of the things in here I find are just infuriating. Well I'm totally baffled by a lot of things and the thought that we can outright prove that she's a liar again and again, but yet everything you say against her has to be justified, but everything she says against you is taken as gospel until you disprove it. But after being in this court system for about 10 years, I found that you can just about get a court order enforced if you've got about \$3,000, a decent attorney who's willing to go right up and hammer the authority to get it done. Otherwise its not much good. I found that court, the judge doesn't really have to obey the laws that you put up. That the custodial parent doesn't really have to obey the laws. I mean just because I have a court order that says that she's going to notify me when anything happens to the kids or that they have to be registered in my name, she doesn't have to do any of that, and it doesn't count against her. She's done it for almost 10 years. And you know, it takes a court order just to keep my kids in school. Even then with a court order, they still miss probably 47% of his school life. I think probably one of the main reasons why the custody investigator doesn't _____ and dig this stuff out, like she could,

and verify a lot of the different facts, is because she's sorely overworked. The custody investigator that I worked with in Fairbanks was lucky if she had 15 minutes during the day to spare. She was almost double booked and there was always people waiting there. If you need to change _____ anymore, I'd definitely give her more, because she has been more help to me than anything else. Its still, it still galls me that I worked hard, I paid my child support even when I didn't have anything. At one time back in 1984, my monthly income was a negative \$55 and I still managed to pay my child support. My ex finally got a job this last year where she works at a halfway house and she takes my kids to work and they discuss some of the patients that come into this halfway house. My kids associate with ex-drugees, alcoholics, runaway children, but yet the custody investigator still recommends that this ex-junkie keep my children, when I have done absolutely nothing wrong. But I'm categorized as unfit parent - not really unfit, its just that there's not enough justification to change the custody. And it makes me wonder, what does it take? You know, after being in the court system for 10 years and looking at all of this, I think that anything that maybe the court system isn't the answer. And I'm going to go back in probably December to make one more attempt because she's already violated the stuff that the custody investigator

recommended, and if I don't get custody there, I will let her adopt, because basically, you guys have stripped me of all my rights. You've violated my constitutional rights. You basically given her all the assets in the State of Alaska because she was unwilling to go out and get a job. And basically any time the Child Support Enforcement Agency wants to, they can come by and hack another hunk of my paycheck away. \$700 - that's what my wife takes right now. I got married this year, cause what she makes in two weeks, my ex gets it for free. And when I go to court this will be overturned and she'll owe me probably in the neighborhood of \$10,000. There won't be anybody that helps me get that money back. And a parting ___ is I went to get my kids for Christmas and I found them on the front page of the paper in Fairbanks because their house burned. And although they got four dividend checks, their family, plus \$1500 from me which is in excess of \$5,000 over that, they were considered a needy family and took from the welfare of people there. And I made a copy of that article so that you can read it and can go with ___. I mean maybe the justice system works if you're willing to sit back and obey the rules, but if you take somebody that's unwilling to obey the rules, they've got free ___, and I can't think of anybody that has enough finances to sit back and fight the state.

REP. FURNACE:

Just a couple of questions. _____ you indicated that you lived in Ketchikan.

ISLEY:

Yes sir.

FURNACE:

And are you currently full-time Army?

ISLEY:

I'm currently full-time Army now. In 1984 I was forced to terminate my position at the mill because it ___ the National Guard. So from 84 through 85 I was basically unemployed. In 85 I started working part-time for the National Guard. Whenever I could get a chance I would go on orders. I never knew how long I was going to work or how much time I would be employed. But as it was, I stayed in employed until '87 when I got a full time position with the Guard. I am currently working with them full-time now.

FURNACE:

I see. I just wanted to get that on the record. And thank you very much for your testimony. Brenda Coleman? _____. If you will for the record state your name and spell it for me please.

BRENDA COLEMAN:

Sure. My name is, Brenda D. Coleman - C-o-l-e-m-a-n. I'm president of the Youth Services Chapter of the Alaska Foster Parent Association. I am currently treasurer of Alaska Foster Parent Statewide Association. I started foster parenting in 1983 with Family Services for specific placement. In 1986 I started with Youth Services, probation Department, and also took Family Service kids. In that amount of time I've had over 30 youth in my home. Primarily, who are on probation, however some of them have been from Family Services and not on probation. I'm an independent living skills home, which concentrates on development of communication and financial responsibilities, accountability, career planning, continuing education, family re-unification, self-discipline, structure, emotional stability, and many other areas of importance for these teens. I've been involved in legislation through adoption and child welfare and out of home care improvement services in the last several years. I was the Anchorage liaison for the movement on independently _____ bill that passed April 19 this past year. I am totally convinced that the Division of Family and Social Services needs a complete revision. I believe that the focus must change to children and families and reunification and support for the children, as opposed to the protection of the agency. And I'm specifically

about family services. In working with Youth Services I got the back up of a probation officer and I believe that Youth Services centers more around the fact that the child has committed a crime, so the child is looked at very closely to determine what services the child needs. In Family Services you find that the family is looked at and often fingers are pointed and rights are terminated and judgments are made by social workers who really don't know the story, as you've heard probably so many times in these testimonies. I also believe that there needs to be a real support for foster families, because we are families even though we're a mish-mash of all different kids and all different races, we are still families. And the kids and e families need more solid support from the Division, especially in family services. I have seen a consistency of interference by social workers - and I can get very specific here - into problems that shouldn't, they shouldn't be involved in; that aren't in their areas of expertise. For instance, a natural mother of two children placed as children in need of aid died. And a social worker handled the funeral arrangements, going so far as to go to a thrift shop and find clothing for her to wear. And when this was approached with the Division and the ineptitude of it all was faced, nothing happened. The social worker is still there and she's still operating beyond her bounds in my

estimation. She is an adoption worker and she has basically put children up for adoption that are not, do not have their parents' parental rights terminated. And this has been done more than once. And then there's been threats against the parents - say a mother in this one specific incident that I'm speaking of - a mother was pregnant and they told the mother that they'd get out of her face if she'd relinquish a year and a half old baby that she had in custody. This is a practice that should not go on in health and social services. The center needs to be on the family and on the children. Although I'm a foster parent, and I believe that there are times when kids, especially teenagers that get out in the society and commit crimes, that for whatever reason and they might be family related, I still believe that they need to be looked at as individuals and to be treated as individuals. And they need to have the family in mind for reunification for support, for the possibility of backing of their ____ of getting away from the family and giving the family back their kid instead of pointing fingers. And also within the foster care system, I doubt that you'll find a foster parent that hasn't been appalled time and again by the number of kids that are placed and moved, and placed and moved, and placed and moved. Part of the reason for this in my belief, and this is my own personal belief, is that when you start

to form a bond with a kid, the Division will often look at that as a minus and move the kid because you have an awareness of where the child is going, what the child is doing, and the treatments that the child needs, and the behaviors that you can work on specifically within your home without a degree in anything. And the Division can resent that. I am also in contact with ...

FURNACE:

Excuse me. Can you share your opinion as to why that's that way?

COLEMAN:

The _____ why they're removed?

FURNACE:

Why the Division is apt to move in when they feel that a bond is taking place, as opposed to letting it progress, why do you think that....

COLEMAN:

Sir. I think that probably because at that point when we form the bond with the child and the children, especially in Family Services with younger children who are more needy will form a more secure bond - when you form a bond with that child then you're going to become

an advocate. When you become an advocate for that child, you're going to go to bat for the child and you're going to be cross-wise of the system. And when you are cross-wise of the system, you're very likely to see the ineptitudes. You're very likely to see that the social worker doesn't call on you, or doesn't care how you feel about anything, which progresses into my next point about the ability to have your information as a foster parent imparted to the judge or to the master were it to go to court. Say you have a court hearing or you have a review, a case review. Its extremely necessary, I think you would agree, that as a foster parent you spend almost, I mean you spend the majority of time with the child that anyone's going to. You spend more time of course than the natural parent. You spend more time than a counselor who might spend an hour a week or 2 hours a week. You spend more time than a social worker who sometimes doesn't even know their names, let alone how old they are; where they go to school; or what they're doing. And often times, if you don't have an "in" with a social worker to where this can be added to court information, the court won't hear it. There are masters in this city today that will call on a foster parent and say how do you feel about this or that. But often times your input, especially within Family Services, never reaches the judge. You never are really to say, I don't want this

child moved. And if you do, and you file a grievance on it, the kid is already moved and they've probably moved them 3 more times. So you've lost completely and then pretty soon you're blacklisted from the foster care society and you're no longer placed with kids. At one point I was placed with mentally retarded kids, which I am not capable of handling. I mean I handled them, but I was not told. I was told to come to the Division to pick these kids up and then I got home and I realized, when I picked them up, and I realized you know, we've got a problem here. So I start calling for services for them, and all of a sudden, its "well we really didn't know anything about them" and there's no support, there's no backup. I had a teenager placed in my home specific _____ and he had been clean since he'd been placed in my home. He had gotten off of drugs and he was doing really well for about a 9-month period of time. And we worked real hard on this obviously. You know that that's one of the things that you do when your a foster home - one of the problems with which you deal with. He was a Family Service kid. I called the social worker to relay to her that I thought he was using and I had confronted him on it, but I needed some back up. I needed her to go see him at school, or go, come see him at the house or call him into her office, because I knew that he was using marijuana again. And she said, oh, come on, Lynn,

what's a little pot. Now you can imagine after working 9 months with this kid, having him straight for 9 months, how I felt. In another case, I had a social worker who never even knew the kids name. She would call up and ask for him by his last name. And I said _____ by that name, it was a first name, and finally I figured out who it was. She didn't know his name. Back to me point. My point is we're not heard a lot of times. You form a bond with a kid and you become an advocate for them and you go against the system, and then you really have hell to pay because you're not going to win. You are fighting a big bureaucracy that no longer cares about the child. They care about protecting their funding. They care about protecting their reputation. And they care about protecting some rather inept social workers, which is also one of the reasons why, as a foster parents association, we work so hard to get HB-19 through because of the compliance unit that the Division set up for \$850,000 for a year didn't work. They would write on the bottom of it - instead of finding names, they would write compliance_____. The compliance unit came in and was there and _____. So, the other problems that I hear consistently are overloading the homes, overloading the new homes; taking foster parents that are well trained and if they have become an advocate for a child, cutting them off. The other thing is

retention of homes. The state recently let a bid for a recruitment RFP. The recruitment RFP was significant in size and we don't need recruitment, we need retention. We need to advocate for a kid, we need the support of the Division, instead of automatically having them rear their backs and say, cut them off, move the kid, cut them off, move the kid. Move the kid again.

FURNACE:

What do you mean?

COLEMAN:

I mean that the state recently let an RFP for recruitment of foster parents for ads and for everything else so that we could get new foster parents. My feeling on this is not that we don't need recruitment - we do need recruitment of good foster parents. But I believe that if they go into a full-fledged recruitment there's going to be less and less requirements and less looked at, which can cause more damage to our children. And that's what I think the system was set for, was for children. And unfortunately I think that the kids have gotten lost in it. It became a bureaucracy and it became an us against them.

FURNACE:

If you would, _____ HB 19 and how were you involved. Is it working and is it doing how we had envisioned since _____.

COLEMAN:

It will, its proven. I have a report from the State of Nebraska that started an Independent Review Board System. They removed 25% of their kids from the foster care system and _____ out in the family_____ and said okay, you guys are doing what you're supposed to be doing _____ reports, support this___ and had a 25% drop in foster care, which means that the kids went home, things worked out. They knew that they were going to have to terminate on parents who absolutely could not come through and could not meet the requirements to provide for their children. They did that and they placed the kids either permanently in a family or in adoption. They also allowed foster parents to adopt the children that they had bonded with without fighting them. That doesn't happen in this state very often. And its extremely unfortunate because who knows better what a kid needs than someone who's had them in their home and had the time to bond and to know where they're coming from and what their problems are and to really see the whole picture of what the child needs.

FURNACE:

I appreciate that. As you know, Senator Virginia Collins and I spent a great deal of effort in that piece of legislation. In fact _____ she talks about it. I'm very pleased to see that it is working.

COLEMAN:

It has worked sir, and I am sure that it will continue to work. I think in the long run we'll end up saving a whole lot of money because we don't need things like the Compliance unit. We do need things that are independent and come in and study a system that isn't working. And th other thing that has been proven is that the people that are not good social workers, that are not there because they care about kids, quit - they get out of it. And that's what we're really hopeful of when this gets started, when HB19 starts. They are going to have to answer. One of the things that I teach in my home and that we work with a great deal in my home is accountability. And that same accountability would be really nice to have for all of your social workers, unfortunately we don't.

FURNACE:

_____ comments you can make. One of the _____ problem with the clothing voucher, and the other is the delay, which I assume _____ testimony, delay of being

reimbursed, at least being paid in a timely manner. Perhaps you can respond to that.

COLEMAN:

Okay. The clothing voucher with Family Youth Services, those are basically non-existent. Within Youth Services, the only time that you really get a clothing voucher - I mean I know in Family Services clothing vouchers are real important because of the moves of the kids - moving them here and moving them there and maybe not getting everything, so forth and so on. And I know its real important and I've heard that its really a problem. Within Youth Services, we rarely get clothing vouchers. And unfortunately I think that a long time ago the clothing voucher thing was mishandled possibly. You know everybody ____ their clothing voucher and it was ____ and I think if you looked at some of them probably they weren't spent appropriately. And I'm saying a long time ago because I think that's like 4-5 years ago. This time I think they're really careful about clothing vouchers. I don't know about Family Services. I know that people have problems getting them and I know that people end up really in trouble over them. But I know certainly in youth services we don't get them and we don't count on getting them, and its replace the kids clothes as you need to. And its do what you can for them in the interim.

FURNACE:

What about the reimbursement.....

COLEMAN:

The reimbursement is a real interesting problems. We had a meeting Sunday of the Youth Services Chapter of Foster Parent Association because we had so many problems. They recently came up with a new system whereby they were going to pay weekly, which was great, you know, except you were A&I, which is supposed to tell how many days you had the kids and so forth and so on. Its supposed to arrive on such and such day, and then the following - its got to be there for five day, and then the following Thursday after that 5-6 days they cut you a check and then they mail it the following day, and it ended up that after the revision in this last one, no one got a check in the manner in which they had when it was inept. Now it is ultra inept. So what do we do? And I know that that came about from the result of the legislative audit that was done that recommended that they change the payment schedule. They changed it. But now we're hearing that there is a girl in Juneau who really doesn't know what she's doing and she's inundated with all of this and doesn't know how to handle this, that and the other. So what our organization has done, in all wonder, has been to write either the Governor, Ira Munson, or your

own personal legislator and see the other people that you didn't write to, your legislators, and let them know of your problem and that the solution that was come up with - a justifiable solution - isn't working either.

FURNACE:

You've been very helpful. Thank you very much. Just as a brief explanation is that ___ said that she ___ into place.

_____: I need to be in court less than an hour and I just found about it yesterday.

FURNACE:

Well, you're next. What I just wanted to say for the people that we do have a sign-up list to persons we've already committed to. After ___ we will take other persons who are not part of the ___ that are signed up. So you will be given an opportunity to ___. I apologize and I will try to not ask anymore questions, we are behind. Ms. Cheryl Sith if you will for the record, give your name and spell it for the record please.

CHERYL SITH:

Cheryl Sith. C-h-e-r-y-l S-i-t-h. I want to make a brief comment after hearing some of the other people that have included in what I wrote up. But the story that I am going to refer to is an adoption. And I heard Mr. Isley comment on how you can't afford to fight the state and I agree with him totally. My legal fees are up about \$40,000. for an adoption in which the mother relinquished the children to us. So that really struck me when he said that. Cause I have to pay my lawyer this afternoon. But anyway. I am a foster parent for the state of Alaska, I also have a cold so _____. I obtained my license in 1984 through the Hope Cottages Foster Care program. In 1986 I transferred to the Youth Correction Section of the Division of Family and Youth Services. Currently I work with Family Services Section of DFYS. Prior to moving to Alaska I was a licensed psychiatric technician in two of California's residential facilities for the developmentally disabled and emotionally disturbed. In 1987 I earned a Human Services Degree from Anchorage Community College. Since 1984 I fostered 15 of Alaska's children. These children have been of varying ages and have come into the system for varying reasons. They range from a 4-months cocaine involved infant to an 18-year old _____. Both males and females. I voluntarily participate in 50-100 hours of training every year. Since 1986 I've also been involved with the Alaska

Foster Parents Association in varying capacities. I am secretary of the Youth Services Chapter of the Association since 1986, vice president of the Anchor Foster Care Association since 1988 and I am currently secretary with the state association. I've been actively involved with statewide foster care and adoption issues since 1986. I'm well aware of the problems with Alaska's foster care system and I'm also well aware of many changes that have taken place in the last few years. Some of these changes have been positive. The system still has a long way to go to provide adequate services to the children that wind up in state's care. My opinions are based on my own personal experience and my communication with foster parents throughout the state. We are not dealing with oil or trees. We're dealing with human beings, families, families comprised of children and parents. These are real people with real problems and real feelings. They are not numbers on pieces of paper or statistics on a computer. Each one of them is an individual with an individual reason for having the state of Alaska _____ rights. The Department of Health and Social Services has spent many years identifying the problems within the system and in recent years has made numerous changes in policies, procedures and regulations to help alleviate some of these problems. When followed, and I do repeat, when followed, these changes appear to have improved

services to the families and children they are meant to serve. I have emphasized the words "when followed" because its my opinion that lack of consistency within the system is the major pitfall to a successful foster care program. Untrained social workers, untrained foster parents, inexperienced social workers, and inexperienced foster parents, social parents who think they're God, and foster parents who believe they are saints can spell disaster in the life of an innocent child in state custody. Does our child protection system really protect children. In my opinion, often times it does not. I've witnessed the destruction of children's lives under the guise of child protection and the famous DFYS words "in their best interests." I'm afraid that my personal experiences have convinced me that in their best interests is just a loosely used phrase in order to satisfy federal regulations and the workers who personally attend them. No one is perfect. No one can always know what is best for a child. But in the business with dealing with human minds, each individual must be looked at as a person with emotions, not a case number. Realistically, how can a social worker or supervisor make decisions about a family's future based on minimum contact with that family. How can a social worker determine what is in the best interest of the child when he or she has never even seen that child. Who does see the child? Sometimes

therapists will see the child for approximately one hour a week. In the case of the _____ child, teachers see the child for 30 or so hours a week in a group of about 30. And the foster parent lives with the child the remainder of the time. Inexperienced or untrained foster parents can also pay very quickly in the destruction of the child's life while under the guidance of child protection. There is always a shortage of foster homes and the Division spends large amounts of time and money in recruitment of new homes. But comparatively little time and money in the retention of quality, experienced homes. The turnover rate for foster homes and social workers is quite high. It is my opinion that the bulk of time and money would be better spent on the retention of workers and foster parents that are currently providing good services for children. A well-trained social worker and a well-trained foster parent can create a miracle in the life of an abused child. What happens to the child who is moved 10-15 times in a year and has a new caseworker every couple of months? How can anybody expect that child to leave the system undamaged. Initial removal of a child from his parental home is a traumatic experience for whatever the reason may be. Each child feels this trauma instantly. A trained foster parent knows this and recognizes the child's behavior as a reaction to his or her feelings of loss, abandonment,

confusion and grief. Placement of a child in a well-trained home who is ready and able to deal with these difficulties can greatly reduce the effects on the child of the out-of-home placement, and often reduce the number of moves he or she makes while being protected. Unfortunately, children are still lingering in foster care far too long. Children are still moving frequently from one placement to another and foster parents and social workers are still changing at a rate that is damaging to the creation of the child protection system that really does protect children. I'd briefly like to share a story of two children who are currently in foster care and have been since 1987. They are 5 and 7 years old and have spent half their young lives under the protection of the State of Alaska. How well have they been protected? I'd like for you to determine that yourself. Keep in mind that these two children are not the only children in the current system that have been or are being so well protected by the Division of Family and Youth Services. Their case appears to be the normal rather than the exception. Their story demonstrates what can happen when children are placed with inexperienced untrained foster parents, have social workers assigned to their case who do not communicate with the foster parents...(tape change)....at the Division who'd rather save face than save children. In April of 1988 I was

asked to take Sidney and _____. I currently had 7 children in my home. I have five natural children and at that time had a 14 year old and 16 year old who had been living with us for 2 years. Also at that time the maximum number of children allowed in a foster home was 8. I told the placement worker that if I accepted the two children I would have 9 children. She stated that her supervisor wanted to keep them together even if it meant giving a waiver. I met the children that afternoon and they were placed with me the very next morning, and I was given a waiver. They were described to me as wild, unsocialized animals. I was told that they had been in approximately 5 or 6 placements since the previous November when they were taken into custody, which was 6 months. Their current placement had only lasted a month. The five year old was described as aggressive and domineering. I was told this child needed hug care. The three year old was described as a _____ who often behaved at an 18 month old level. I was told this child needed to learn age appropriate behaviors. I was also told these children had been physically abused and severely neglected. Both children were described as destructive and active. The older child was very verbal about her hate of the state. Soon after placement in my home I made some observations of my own. Even though they were very young, these children were very street-wise considering

their age. It was obvious they had experienced a violence more neglect and more abuse than any child should have to. The older child was extremely verbal about her feelings towards the state, and both children were well aware of things such as guns, police, jail, drugs, murder, etc. They could point out a police car, even an undercover car from a mile away. They could also point out a state car from a distance. They both had severe nightmares all night long, but especially the older child. He talked frequently of killing and would make statements such as "he cut me up in pieces and I died and then come to life." The younger one talked about blue _____ and pink _____. I often wondered how much violence these poor children have witnessed in their short lives. These children melded into our family very quickly and responded well to the nurturing and constant attention given to them by my large family. Within a months time their behaviors had settled to a more appropriate age level with sibling rivalry being their most prominent behavior difficulty. They argued constantly and needed time out from each other. We were able to provide this within the home because of the many options available with a large family. My children had four years experience with having other children live in their home and they were adept at providing peer support with these two new children without resentment of the attention they

required of their mother. The children continued to progress. They were stabilizing and they were genuinely happy with their living situation. My 14 year old left in May of 1988. I now had 8 children, 5 birth children, one who is a stable member of the family and these two. I had a 13 year old who I was guardian for in a treatment facility and he was home on the weekends. In September 1988 he left the program and was placed in _____ shelter. He did not leave the program under normal circumstances. I was told by his probation officer that the two younger children would have to move in order for him to return to my home. The reasons given were varied and changed in time. This situation has been discussed over and over and is not _____ at this time. I did have a difficult decision to make. I explored my options and tried with great difficulty to make a decision that would be beneficial to all the children involved. The caseworker, Pat _____ was not very cooperative, or rather not very communicative, so it was a very difficult process. The natural mother did not want her children to be moved because she had never seen them do so well and be so happy. I didn't want them to leave either. We had grown to love them. I couldn't understand why they had to leave when they were so settled and the other child had already been living with them three days a week for the past four months. I was not given that option.

They would have to move before the child who I was guardian of could leave the shelter. He stayed there a whole month. The natural mother told me she had many friends that had known her since she was a child and that they would be willing to become licensed foster homes for her children. Pat Driggens agreed with this plan and on October 7, 1988 I was told that to bring the two young children to the Division. I had mixed feelings about this, but prayed that I was doing the right thing for all three of the children. My child was placed back in my home that afternoon. I was led to believe that we could have continued contact with the little ones so I felt that placement with a family friend and the continuity of their relationship they had established with us would be beneficial to them. Three days later I was told I could have no contact with them. When I questioned that, I was told by the placement worker, "you know that's how we do things here." The placement lasted only two and a half weeks. The mother found out and called me and told me. She asked if we would take them back. She did not know where they were currently living. I told her we would, but she needed to talk to her social worker. This was in October and in December this mother still had not been told where her children were. Pat Driggens would not return phone calls from either of us. In December of 1988 we saw, my family saw the older child at a

Christmas party given by the Anchor Foster Care Association. She asked me where her sister was. It was then that I learned that they had been separated. I was extremely upset and left the party for awhile. The child remained at the party with my children until she was whisked away by her current foster father. In January of 1989 the case was transferred to a permanency planning worker, and the mother finally was able to visit her children and find out where they were living, separately. The worker asked the mother if she knew anyone who could raise her children, because it was obvious this mother had many physical and emotional disabilities and would not be able to raise her own children again. She asked me if I was interested in becoming the children's guardian. I discussed it with my family and we agreed that we would be willing and able to have these children become permanent members of our family. The same day that I met with the social worker we were allowed to begin visiting with the children in order to re-establish relationships. The younger one spent the night with us that weekend. She was ecstatic when her foster mother told her we were picking her up. Even after six months of no contact. She came home and settled in as if she had never left. She was a little older, a little bigger, a little more angry and a little more bitter. She referred to the state in negative terms as her sister had done

previously. The effects of three placement changes in 5 months were quite obvious. Two weeks later she was placed back in my home. During this time, unknown to me, decisions were made at DFYS that would completely change the direction of these two children's lives. It was _____ adoption was a better option for these two children because of their age and we were told that we would be able to apply to adopt them. Other families would also be considered right along with us. These other families were working with caseworker Linda Gonzales. Keep in mind none of these families ever met these children. They were not foster parents. We submitted our application and on May 9th another family was selected for these children. We were told of the decision on May 15, 1989 in a meeting with Linda _____ and Annette Stube. We were also told at that time that Jim Carrington, who was the foster care coordinator for Youth Services had stated that the two teenage boys in our home had the potential to be sex offenders. He made this statement with no basis and no expertise in that area. And they were concerned about the future placements and our own natural children. We were also told we would probably not be considered in the future as a placement for these two children, because "there is a long list of people just dying to adopt two cute little white girls." It was obvious to me that these children were nothing but a commodity to these people

and who had the power to determine their future. In the interest of time I will not go into detail about that fiasco. We were told that the younger child would be transitioned into the new family during a 1-2 month period. In reality, she left our home on June 1, 1989, two weeks later, for a visit to the new family and never returned. The incredible amount of rumors, innuendos and downright lies created by the social worker Linda Gonzales during this time, forced me to file grievances with DFYS, take it to a regional review panel and with the Ombudsman's office. In August of 1989 when I heard that the children's placement was falling apart, I hired an attorney, Allen Bailey, to file a petition to adopt on September 7, 1989 and the mother filed the consent to adopt to us only, with the court on that same date. The older child was removed from that pre-adoptive home in November of 1989. They were once again separated. We were constantly told that they were doing well. Months and hundreds of pages of affidavits later a trial was set to determine if our petition would be granted. The trial began on April 9, 1990 in front of the Honorable John Reese and was concluded on May 17, 1990. Four months ago. Since that time those children have been moved again and once again their lives are in limbo. We have not received a decision as of today. So much of this story has had to be deleted because of the fact that a decision has not

been given yet. The state's attorney named it the adoption from hell last spring. I agree that the last three years of these children's lives have been hell at the hands of people who do not even know them and many who had never even seen them. When will this nightmare end for them? How well has the State of Alaska protected them? They have been abused in foster care physically, sexually and emotionally. They are not separated again. Their mother died in February of 1990. I'm glad she's not here to witness the torment the children have been through. The new regulations that went into effect in April of this year eliminates my home as a foster home, because of the reduced number of children allowed in any one home. When my 3-year old leaves, some time soon, I will no longer be able to provide foster care. I am both saddened and relieved by this fact. Saddened that the care I've provided Alaska's children is no longer wanted, but relieved that the Division of Family and Youth Services will no longer interfere in my life and my children's lives. The risk of speaking out are too great when you disagree with an agency that believes they are more powerful than God. My prayers that a new administration would be more honest, more realistic and more concerned about these children the State of Alaska is raising. Thank you.

REP. FURNACE:

What you have testified to today has reinforced what we've heard already in several hearings. There's a great deal of pain and suffering and it simply doesn't make any sense. While I realize there is a great deal of frustration with this particular hearing, the idea here is to first of all give you an opportunity to put your thoughts on public record so that information can be compiled and _____. It is the intent of Senator Coghill to either, as the Lt. Gov. of the State, or returning back to the Senate, to continue this process. I have volunteered my services to work with him very close. And _____ here is the intent is to look at the information very very strong. And it is my understanding today that an audit has been requested, and I'm sure that that's going to bring out a lot of the things that you've said already _____. It is an attempt to look at the courts and realize that the legislature has the ability to _____ separation of powers, but the intent we can build _____ in legislation we can _____ corrective action. Something's got to be done. And we appreciate very much you taking the time to share all this _____ with us.

CHERYL SITH:

It has to _____ also I do know Judge Reese called _____ just yesterday. And I'll be there in a half hour

and I want to ask anyone who is interesting in praying that he has seen through the garbage of the last four months and sends my girls home.

REP. FURNACE:

Good luck. God bless you. The next person is Will Merritt. Thank you Will, for the record if you will state your name and spell the name for the record and proceed with your testimony.

WILL MERRITT:

This is Will Merritt. The last name is M-e-r-r-i-t-t. I'm not even sure I was at the right hearing, but this does have to do with how the domestic violence statutes are used currently. And some of it is related.

REP. FURNACE:

The intent of the task force is to take testimony pertinent to family support, etc., so you may ____.

WILL MERRITT:

Yeah. The only one of these agencies I'd like to discuss of my problems is the Alaska Legal Services. I've been taken to court three times by one wife on domestic violence allegations. I wish I could have attended all the emergency presumption hearings. It is the standard practice of the court here not to allow

the respondent to hear it, despite the writing of the law in this section. I can't believe it was the intent of legislature when they wrote the original domestic violence legislation that there be, what they call ex parte hearing as the routine. That is where the party that isn't there is _____. The first time it happened I called Alaska Legal Services. They said they do not handle _____. My ___ wife was coached by the resource council, ___ advocate, but there _____. The one thing that the ___ about it is also the welfare of the child. And this third one just happened quite recently. We're still married, we're living apart. She's living in a house that we own. I was evicted from the house by the police in the middle of the night a couple of years ago. What gets me about it too, is there is no kind of violence problem at home. That is basically the _____ and I think probably the legislature and the people of the state would support that goal. Prior to the first domestic injunction, domestic violence junction, the police had been to our home twice. Once was when she had slapped me as hard as she could when I was holding the baby when she was unhappy with how I had dressed the baby. And she called the police. Another time the police came when the neighbors called when all the screaming was going on in our house, we had a little fight. And the police officer insisted that she leave the home for awhile or

else he would take her downtown. Now the third time the police came to our home, my interest in all this, was _____ my idea, but in any case the third time she had gone down at night to the magistrate down town and are you referring to the statute _____? I can classify that _____ there's a regular thing where the _____ hearing, you've got to give at least 10 days notice before you do this for any kind of hearing, and there's some _____ like the other day where her boyfriend, ex boyfriend, _____. So there is a _____. They direct the respondent to vacate the home of the petitioner. They direct the respondent from communicating directly or indirectly for _____. Direct respondent to appear in court as to my child _____. 5. Award temporary custody of minor of petitioner. 6. Direct respondent to pay medical expenses of petitioner. 7. Direct respondent to engage in counseling. 8. Restrain respondent from entering her vehicle, so on and so forth. There is provision for staying in order 45 days. Now the _____ conference though, is section 25.35.020. Emergency injunctive relief in cases involved in domestic violence. Now this one is so that they can immediately make an order on the spot. Now in each of these cases you have to allege the criminal _____. ..whether its rape, assault, threats, any of those things - one through four on assault. So what is happening here is there is

a criminal allegation handled in the civil court and it specifically says that this doesn't _____ its still due in criminal in proceeding. And so what happens - and the first time it happened, I couldn't believe it happened in our state _____ so on this one here, _____ some of these things. In order of Section _____ or oral notice to the respondent. If the court finds that the petitioner has been subjected to domestic violence and - so there is the danger of, there is a potential likelihood of danger - the petitioner or the petitioner's attorney certifies to the court in writing the efforts _____ the respondent's, the reasons supporting ___ order should not be required. Now this is civil procedure. Most civil procedure you ____, but in several things they can come in and handcuff you and drag you away. And this was a way to simplify things, the cops not having to go into civil ___ proceedings. And it allows the small, reduces the entire administrative time, you don't have to ___ thing - _____ a criminal procedures. So the thing in here about the petitioner or the petitioner's attorney certifies to the court ___ or many, which have been made to provide an order to respondent. The reason supporting _____ - require that. The first time I wasn't notified was because I wasn't there. I was at home sleeping in bed. And my dear wife has simply _____.

She does not believe in immunization of children. She does not want my child, who is now 6, to attend a school - not a regular school where they teach you reading and writing. She wants to delay that. _____ in private school. The second time this happened was again at night, another incident where she calls the police - _____ my business car. She calls the police and policeman came and said, well, _____ come back. Another time I was in the house and she warned me to leave the house. She called the police and I said look there's nothing happening here, I'm sitting there. She leaves, so she goes to the magistrate. _____ on the house, which is our property, we're married, and I called the magistrate and said gee, nothing's happening here. I've lived here, I'm not going to do anything. All I wanted her to do was ask me to go...and he did not grant her an order. Six months later we had another thing over at my place, she was supposed to deliver the child, and we're screaming by now. I mean she has to _____ the kid is screaming and totally out of it. And I get her on the phone, calm her down, and then I hear this loud crack, and the kid is screaming again and her mom has hit her with a towel _____ 5' 11' woman in a rage whacks this kid. I don't believe in _____ in a rage. And I went over there. And the end result was she goes out of the house _____ some unpleasant business. I _____ take the

children ___ at my place as scheduled, and two days later I'm served with injunction, and again I haven't had the opportunity to be there. And unless these emergency orders are done, once they've got you out of the house, the judge in the daytime is not going to say you're going to back in there, we're going to trade places and they just wanted to follow through with it. So now there's another one August 23rd. I go in the house, the child's _____ and she orders me to leave. She doesn't ___ she starts yelling at me. I go wait _____. She calls the police. The police come and they said, you ought to go. And I said no, ___ now she's got the evidence that _____. And first I call back and I say look, I really don't want to stick around for this, I don't want to see the police tonight, why don't - they suggested I stay. I stay and the police come. We're married, its our house, and I have done absolutely nothing except go in the crawl space and refuse to leave. And the police say well you go and everything will be fine. And I say you guys _____. The guy starts walking out the door, and one of the two police officers, and _____ well why don't you guys just leave and I'll go in my own time. So they come back and _____ all these things. They said, well we take her down and get the injunction. Now if I leave _____ and they have arrested me on the spot. But no, what they do, and there was no time, absolutely

no threats, I had done no damage of any kind. They take her down. I call the magistrate and say look, this is what's happening. The police say she has every right to be afraid. This goes on and on. The basic thing is I don't get to be there. An emergency is issued. You appear in court. The _____ the same thing, orders custody to her, payments to ____, not to have contact, not to use the car. So she's gotten everything that she can achieve and she's won everything in the divorce - again for just a temporary thing and I don't get to be there. I again call the magistrate and say why, you told me the police come and served the injunction, and I said well you said you weren't going to anything. He said, you were irrational. That's a good excuse but not _____ and then he says don't call me again. The first time I go down ____ and he says don't bother me. I mean what's going here. You have a thing that you get thrown out at night. Comes to _____ and no recourse. Its pretty wild. Its very prejudice against the males. Men don't generally say my wife has been beating me and I need protection - that's a rare thing. The police tell me that _____ against men. The reason I didn't get to go down there this time according to the _____ is that I specifically address this to the _____ I would like to be there and see what is going on and the magistrate said that the reason I wasn't

going to be there was he was concerned over my reaction, response to the action. And so it doesn't matter what the thing is, I'm not going to be allowed to attend. And these emergency injunctions which are, and yet there approaching _____ we have - the Legal Service Corporation - respondents, and the time I was first ___ was totally ___ and _____ I'm off the street and I don't even get _____. And that is my idea of how the legislature probably intended the use of that statute.

REP. FURNACE:

Thank you. Appreciate it. At this time then we will go to the persons who have signed up since we started the meeting. I may just simply say that the intent of the hearing today is to deal with family law, experiences having to do with the courts, and because there is so many people, we will try and control the time, particularly the _____ you may _____ of the hearing for today. The first person I believe is Mr. McKee.

CHARLES MCKEE:

My name is Charles McKee and an attempt on someone's life is _____, attempted murder is not part of family law?

REP. FURNACE:

Why don't you proceed and I'll let you know that.

CHARLES MCKEE:

My name is Charles McKee and the correct spelling is M-c-k-e-e and I testified prior to this, before at this last meeting here at the LIO. And I've had confronted, I had problems with Alaska Legal Services. I believe that we are our brothers keeper and so therefore I am very active in trying to assist in that quality of education that's been issued out of this school system, so therefore I attempted to ___ into business for myself to provide private financing for equipment and I would simply donate to the education facilities within the state. And I was injured in the process and that's how I got thrust into this litigation going after the assured, i.e., the insurance industry. And since that time I've had no response from these agencies that are supposed to assist, and what has happened is that I've been nothing, I've been actually harassed. An attempt has been made on my life. I was told by the man that was given the order by Grace Schaible, that was the ex-attorney for the state, and she signed the order. I was in the attorney's office ___ McVey's office when they actually they burned my ___ with a hideway device that he warned me of at the time prior to the occurrence. And in fact Albert McVey warned me that I was, in his words, "pissing some people off" and its too

late now but go ahead and tell me what has happened with your days. While I was talking to the individual a ___ sensation occurred in my throat and an uncontrolled cough, and oh about 8-9 hours later my throat was throbbing and a temperature to it in fact is _____ focus and it basically it burned it from the inside out. It was the same function as a microwave oven and its the same principle of a microwave radar. So they have the ability to vocalize and depending on the power source the length of the strength of _____. So anyway, so I've listened to your impression of Rep. Ferguson as to what is the reason why we are having so much difficulty with this family law. And I found this book, mental telepathy, and I just purchased it the 17th. And my last testimony I had said that they are using mind manipulation. Its all on the level of tanning. Because they have no reverence for anything. They just have their egotistical and male and female aspects of their _____ on the fringe of being addicted to money, possessions. And so within this book, we're been talking about physics for a second here cause this book describes the fact that what we are is nothing more than a receiver and transmitter of energy and its the energy within the aurora borealis that we receive, we're being actually being showered with electrons all the time, constantly. And so that's what we are. In fact the brain in itself, there are gray matter on the

outer aspect of it is that we are prone to 50 billion microscopic ___ filaments that actually receive, its kind of like a directional antenna. Its always receiving this charge of electricity. And the only way that we can develop this and utilize it is by being in a relaxed state of consciousness. So when you have a society that's continually being disruptive it has a great deal of stress. You know, in the family, in the individual's life, in the family life, in the community life, the state, federal, and the whole plan, when you have the whole plan and the structure of stress. And need I have to point out the newspapers today. And so its that agenda that is creating this stressful activity. The reason why we're doing it. And so that's why I am indicating to you and am asking that question as to the other aspect of why they are continually doing this to the family. And I might add that I was baptized. I'm a Christian. And I received the Holy Ghost and my God is real. It is energy. And its the fact of when you start to study what this whole problem is, people don't take anything _____ nothing is ___ to it. And when we refer to other people that have laying on the hands and actually feeling somewhat like a man ___ years ago. Was capable of doing. I mean even in current days you know we have faith healers in the Philippines and what not, just documented evidence that

prove that when these people have a conscious state of mind that's relaxed.

REP. FURNACE:

Mr. McKee if I could ask you again the intent of the testimony of today is about the _____ talk about the courts and the relationship and you appear to.....

CHARLES MCKEE:

Well I'm saying, okay, and the point I'm trying to make is these agencies have been apparently denying this relaxed state of mind. They want to create _____ they want to create frustration in our lives. And so that they can maintain control. While an individual, male or female, has the ability to maintain serenity in their life, they don't need to run to an agency. They don't need anybody. Quite frankly. So, its a self-perpetuating situation, and these people are addicted and they need this reoccurrence of stress in other people's lives to maintain their own stress. And therefore their own existence. And so that's why, and so we could really, we could call it satanic and we could call it all kinds of things, but its actually an addition to stress. And if people are trying to break away from it, there's no where we can run now. We have to stand our ground and say hey well...like Einstein made a statement before he died. He said when I come

back - he believed in reincarnation - he said I'd rather be a plumber and not deal with _____. Just a simple everyday plumber and this _____la-de-da. So its to get away - these agencies - they want to promote this stress in the lives and break apart the family structure consequently in doing so. And it has disenfranchised the community and we've actually been assimilated by federal bureaucracy. My point of view, my analytical point of view, we've actually been assimilated by this attitude which a president, Andrew Jackson, fought against, and I'll give this to you. This is a copy of a newspaper article on depicting the Second Bank of the United States as a many headed beast. And this was back in 18...oh between 1828 and 1832, he was president two terms and by the way he was a democrat, and so he.....

REP. FURNACE:

We won't hold that against him.

CHARLES MCKEE:

No, no apparently not. But he was referred to as a man of the people and now we're facing with the problem that we've been so apathetic that we're really faced with a dour situation. And I did hand you a copy of the

REP. FURNACE:

Would you please wrap. We've got about 10 other people we need to work in. Its very interesting but...

CHARLES MCKEE:

But you're asking for a solution but I'm saying....

REP. FURNACE:

I can understand, but if I could please ask you to wrap.

CHARLES MCKEE:

Asking for a solution to the problem and then you deny it.

REP. FURNACE:

No sir, I don't mean to cut you off but...

CHARLES MCKEE:

Well you never cut off anybody else except me, as far as I've been sitting here all day today, for the hours that I have been. And its getting to the point of the problem and I've studied it very indepth and in fact you're talking to a man that was allowed to die because of my medical problems. I was dead for three hours cause of brain hemorrhage cause they influenced the doctors not to give me medical at Providence and

Humana. And I'm here also to file a complaint against a colonel of the Troopers and a trooper named McGee that told me earlier that they wouldn't seek and investigate of the state statute of reckless endangerment against the whole bureaucracy. The state and all the boards and commissions from the executive on down. The reason being is because I'm a victim of this attempt on my life, okay. And so they denied it and now that's a big issue. They won't even investigate it.

REP. FURNACE:

Now see that part of your testimony is right on key. The other is a little bit....

CHARLES MCKEE:

Well you're looking for the problem. And why they won't is because they are so addicted and you've got to look at the addiction. What is the addiction? Is that they're addicted to stress. Its almost like a job security blanket. If we didn't need the agencies because we had tranquility in our lives, then they would be at a loss. But then they would also find tranquility with their own lives and they wouldn't need to seek our attention. And see, so the troopers won't even investigate my claim and knowing that the federal congress passed an act where you can't file a racketeering charges against the insurance industry, so what

you have to do is you have to file a criminal action and civil action against the assured in the state in this case is the assured. And so I have to file a criminal action against the assured, which is the state, which I'm a party of. And therefore go after the assured, the insurance industry, through that avenue. And then I have the troopers tell me they won't investigate because they're actually protecting the very entity that's aiding and abetting this criminal activity. They're the ones behind the continued stressful life that we are now subjected to. Which a president in 1800's, early 1800's tried to stop. And wasn't allowed to. And so I also want to add to this to say that September 8th a newspaper, the Anchorage Times, and the following paper, Wednesday, September 19th, the Anchorage Times, and on the front page there's a symbol of the Satanic cross, it is a star with a circle around it on a building that a man that I _____ and then the following, the September 19th, is where a church had been vandalized and I submit as records as part of the stressful conclusion that is resulting from their activity on a national scale. And part of the records that I showed you about the President Andrew Jackson fighting off this second _____ come out of the 1979 political science book that I found in the garbage by the way. And another thing I filed also with the Human Rights Commission my

observation, my complaint, cause I wasn't _____ I was having difficulty with the state, and I'll give you a copy of that and on the back I wrote the _____ system to promote acts of emotional display and embitterment to better oneself into acts of personal and _____ or public malfeasance, which is breaking law, which is why I submitted to you those two front page newspaper articles. Cause that's exactly what it is. Those are public displays of malfeasance. And the _____ of the Human Rights Commission said they would not investigate cause they are not discriminating on me only. They're perpetrating discrimination on everybody, so therefore it isn't discrimination. End of story. Have a nice day.

REP. FURNACE:

Thank you sir. Okay. The next person is Ms. _____. This gentleman has asked for a confidential hearing. I've asked him to retire to the side office there. As _____ we will meet with Mr. _____ and back as soon as we can. _____ teleconference from Fairbanks. State your _____

(We can't hear you, let me turn it up). Okay. Mr. Cline, if you will state your name and spell your name for the record and continue with the testimony please.

STEVE CLINE:

Yes. My name is Steve Cline. C-l-i-n-e. I'm an attorney in Fairbanks. I've been an attorney for about 20 years. I was a district court judge from '78 - '80.....End of tape 7...

STEVE CLINE: (Continuing)

....think I'm here today because I think that in Kotzebue _____ ...I _____ when Senator Coghill asked me to come down and tell you folks some of the things I've heard. Is it my understanding that Mr. Furnace is the only representative that's there today though?

WALT FURNACE:

Yes, at this time. Sen. Coghill will be back in about..he'll be back at 4 o'clock. He had another commitment and will be gone for a couple of hours. I'm the only one here at this time.

STEVE CLINE:

Is this thing being recorded?, or..will what I say here be passed on..I mean....

WALT FURNACE:

It wa...It is being recorded.

STEVE CLINE

Okay. Well, let me go ahead and say it now I would like to have more people, but, State people _____ I want to talk to you about cases where I receive a problem and the problem is that children in our system now, are being unjustifiably _____ I think without any challenge of due process, being

removed from the homes of their parents often at great extended periods of time, or possibly even being removed permanently under certain standards that I think are just really important. I would like to just outline for your _____ process.

A child custody case entitled 4710 deals with a child in need of aid cases, or court...possibly called CHINA cases. And, Title 47.17 has to do with child protection and these cases revolve around child abuse and/or neglect and some case it's sexual abuse and other cases other kinds of abuse or neglect. Under Title 47.17.20, there is a requirement that if there is both cause and reason that _____ that a child is harmed as a result of abuse or neglect there has to be an investigation started by _____. And 47.17.25 also makes _____ the department and there's never any report of child abuse or neglect. It's their duty to report, under 377.17.20 and that is to report all the _____ child caregiver and they feel that there's a reason to believe that the child has suffered and kind of harm and they reported it to the department _____ to investigate. And then under 47.10.142 there's a requirement, or at least not a requirement, but the ability by the department to take emergency custody and I want to talk to you about that particular provision, which I think is where

abuse is common. Title 47.10.142 states that the Department of Health and Social Services may take emergency custody of a minor upon discovering any of the following circumstances:

(1) If the child has been abandoned. (2) If the minor has been grossly neglected by the minor's parents or guardian and can testify to that, there is immediate removal from the minor's surroundings and shown it is necessary to protect the minor's life. I don't want to bore you with _____, but I want to stress the fact here the department can only take a child that they find that it is necessary to protect the minor's life, in cases where they are going on a neglect cases. Come to think of it three similar instances _____ minor has been abused as defined by statues so that immediate medical attention is necessary in the determination of the department, they can take immediate custody at that point too. And the fourth provision is sexual abuse where they can take custody. The reason I think that the abuse of _____ are going on is because there's a section I just mentioned are being terribly abused by the department. I have seen in my practice up here, many cases where the department has gone in and asked for emergency, temporary custody, in cases typically let's say that there are bruises on a child and they....I had a case here recently where there were bruises on a

child that the doctor reported were probably a week old, the child was in otherwise good health, the child had siblings that were in good health. The bruises were the kind that could have come from any kind of a football game or falling down or anything. They were not remarkable in any way, and the department chose emergency custody, took the child out of the home and petitioned for a 90-day custody order which they were successful in getting. Now the social worker, he thought this was necessary to protect the child's life and, you know, and ____ they said that they weren't, under the ____ I asked if he felt _____ necessary to _____ had seen the doctor and there was nothing to do but just ____ document the bruises. It seemed as though there was no real necessity for _____ hospitalization, but or medical attention, but the child again was subject to the ____ custody order. This kind of a case is not at all remarkable. I feel that especially families in minority races, babies and _____ acts especially fall victims of this sort of things, because they are the ones who are least able to defend, considering both the sophistication necessary, also the monetary funds to go out and hire an attorney to defend against this kind of taking happen many times. I do see a lot of problems. I had a case some years ago now, where the mother thought that the child might have been sexually abused and she

didn't know where..she herself took her child in to the department and said, you know, I want you to tell me how I can handle this and what I should do. When she walked out of the office of the department they had taken that kid away from her and after _____ court battle before it was over with _____ department had sent that child back down to the divorced and re-married husband in Washington and she lost her child for the sin of going in and asking for help. Incidentally, they found in that case that possibly her boyfriend could have been at fault. They never were able to come up with any positive evidence and of course no criminal complaint was filed against the boyfriend, but they felt that their suspicions were enough to take the child away from her. There are many other cases. Some of these cases I've shared to give information to Senator Coghill, his aid Kathy Putnam, whatever she is to Coghill. The problems I see therefore, are the department violations of Section 4710.142 regarding the standards that are necessary to take emergency custody. I feel that the problem from that... the result is that there's a shift of the burden of proof to the parent to prove that they are innocent. If a 3 or a 5 year old child exhibits a problem or says something that would tend to show that they are being abused or neglected, at that time the department will take custody, get a

90-day order, put the child in a foster home and then basically its up to the parents to prove that they are not guilty of neglect or abuse. I just don't have time, neither do you, at this teleconference to go into the horror stories of why beyond that, but I'm sure that if you will review the materials that are being collected by Senator Coghill, you'll find horror stories that will make your teeth chatter and the person who has been both on the bench and off has dealt with this type of legal problems for the last 20 years, I assure you that he is not _____ roll your eyes because you hear a ridiculously outlandish story being told to you. Sometimes this is an area where the truth is indeed stranger than fiction could ever be. I can see that one of the problems is that the Department is almost always able to get custody. You wonder how that can happen under the watchful eye of our court, but I can tell you that judges actually want to hear on the side of the state and if there's a question about whether a child is being abused or neglected, they feel that putting a child in a foster home is a better alternative than risking the child, so there comes to be an almost accepted assumption in court, that if the department is there petitioning, that they will get custody of the child and this shifting of the burden of proof to the parent and the _____ assumption that the department probably would

not hear can cause an incredible abuse. The department requires the parent, if they're going to fight them, to spend huge sums on attorneys fighting the system. As I said, it was, you know I get people who come into this problem cannot afford, be they military, minority or _____ working instead of out there on the street, cannot generally hire an attorney very easily for thousands of dollars in this situation. And what happens is that the parent ends up being bullied into a situation where they have to stipulate then to the departmental custody and play the game, which means going to counseling and bringing their child to counseling in order to extract the profits that _____ and don't give us any trouble and go to counseling and do everything we say and we'll try to re-introduce your child back to the family at some later time, if you're lucky. The alternative to the parent is to go to trial, spend all the money, maybe put the child on the stand to testify and _____, which, of course, no parent would simply want to do, and of course all this time, the child has been in a foster home and is being coached away from the parent and is being influenced by the department unmercifully, and I have seen that. For them to come into court and ___ really naive as to what's going on and often even that's abuse because the parents are not allowed to have contact with the

child in these kinds of cases. Typically the department will get 30 or 90 day temporary custody and more usually the 90-day temporary custody on the first order and of the parents aren't playing ball with them like they want them, they come back into court and ask for a 2-year order after that. Currently, I've got a couple that are in the military, both of whom have been transferred out of Alaska, they didn't play the game, their child is being held up here, they refused to even return the child to the mother and she's not accused of any kind of abuse that brought the child within the _____ view of the department. After the department had the child for 30 days, or 90 days, I guess it has been, they were able to search around and find an old day care report that a month or month before the mother was seen to have whipped the child with her belt. The mother then came to admit she did smack the child with a cloth, military belt, she was in the military herself, and it was a lightweight cotton belt she used, she hit...she used that on the kid and all for that reason, and that reason alone, as far as I can see it's legitimate in my opinion, that that mother had to be transferred to Maryland without her child and there's no allegation that she did anything. There are allegations against the father, alleged sexual abuse actually, but those _____ anything but the very _____

statement of a 5-year old child. These are just some of the cases and I don't wish to go overboard with them, you begin to wonder, well Mr. Cline you see the problems, what are the answers, but I don't have all the answers, I'd be willing to work with any task group that want's to work on them, but here is some of them I can see are the possibilities. You need to beef up Title 47.10.142 to give more enforcement to the requirements and the taking of a child from a home cannot be done unless it's necessary to protect the minor's life or medical attention is necessary. Those provisions right now are being entirely disregarded on a daily basis around the state. Those can be seen being done in criminal fashion to a grieving parent who might _____ either make it a misdemeanor for a social worker to do that, or you can give civil liability enforcement so the parent can make them prove that the child was taken without those requirements being met; that they can sue the social worker or the department or the state and I think that a few of those _____ in a row will probably stop a lot of that. Another thing you can do to enforce 47.10.142 would be to require that the parents be present at any time the child is being spoken to or investigated by the department or law enforcement officer. The way that's conducted now, the child is taken away from the parent, they are being questioned for long periods of

time and then only when the child is saying the things that the department wants to hear will they get out a tape recorder or video tape and make a tape of them. I've got, Senator, right now a video tape of a baby. The child spent almost 40 minutes telling the social worker she doesn't want to talk about it, wants her to go away "leave me alone", and the social worker literally is chasing the child around the room with the video camera and refused to turn it off, saying, "Well, we don't get to turn it off until you've said what I want you to say, I'd be _____ in court and if you'll do that we'll go upstairs and I'll give you another crayola to play with, you said you liked to play with them, but I can't do it until you say what I want you to say." It's actually just amazing. There's got to be some kind of restriction on this kind of action by the representatives of this department of Health and Social Services. The second thing you can do would be to give the ombudsman emergency powers of intervention and some kind of teeth. I have appointed now in at least two cases up here where the ombudsman has been contacted by the grieving parents and the process itself takes months and months and months. In one case I had, the ombudsman was contacted, the child was finally given back by the department after 7 months, to the parents. When she came back she told them how the department had told her to lie

and say things that weren't true and how the department had lied to her about what her parents position was. And I was personally lied to on that case by the department regarding grades the child was supposed to get to take to school and she wasn't.....in spite of all of that, when the ombudsman finally entered the case, he did find serious problems with the departmental actions up here. When the report came, well after the case was closed, the child was back with her parents and the parents had moved down to Texas or Alabama, wherever they are, somewhere down south, and even during the time that this _____ inquiry was going on and afterwards, the ombudsman evidently had absolutely no teeth. If they find that there's been improper action taken by this department, all they need to do is issue a report and basically say, this is what we find. There should be some kind of power given to somebody, some kind of a remedy so that the department suffers when that happens. And they have to pay a "fine" that will make them want not to do that again. The last thing I might suggest is that regarding Title 47.10.142 again, the standards for taking emergency custody should be beefed up to require the judge to rule these matters of law, that requires findings before the 30 or 90-day emergency order can be allowed. And those findings to be very specific as to whether or not the taking was necessary

to protect the minor's life or medical attention if necessary. Right now the department can make that determination themselves. They grab the kid, and by the time you get to court, it can be up to 48 hours and by that time, of course, much of the damage has been done. What I have talked to you about today has been just a very, very small sliver of the top level of the iceberg _____ to push the average member of public that its not acquainted with. I know that Senator Coghill was looking into this. I know that he's watching horror stories of which....they're out there all over. There are literally hundreds of citizens just in Alaska alone who's been victimized by these torturous proceedings. And I have seen them, in private practice here in Alaska the last 6 years quite abundantly. I would be more than happy to work with any task force group that want to work on the problem, either drafting legislation or you know, whatever I can do to help. This is a soapbox that needs to have been brought out a long time ago. I will do just whatever I can to answer anybody's questions or help in an effort of a very sorely needed area for change. Citizens of Alaska on a daily basis are being fully terrorized by the Department of Health and Social Services and unless something is done to intervene, there's going to be incredible damage done with families and children unless the matter is taken care of.

As you may be aware, on a national basis as well as a State basis to _____ so far already that there is a ___ state groups to form and to call themselves organizations in the front manner _____ to the public to begin hire lawyers to otherwise fight these problems. Early _____ I don't think would be tying together around the country and around our state unless some kind of a very common bad experience was going on that these people feel that they have to band together. I think it does justify legislative action and I would urge that you people do something so these can't be _____ wrong. Thank you.

WALT FURNACE:

Mr. Cline we want to thank you for your testimony and I'm especially very appreciative. Your recommendations go to the heart of the questions as to what we can do. I'm sure Senator Coghill will be contacting you, if not I certainly will. I like the fact of having sanction ability, the fact to require findings before certain determinations are made and a closer adherence to 47.10.142. That appears to really be at the heart of the whole matter, if we just tighten those three items up and the other recommendation that you made, I believe we have saved families a great deal of pain and suffering. So I am very appreciative

on behalf of those persons who have been before us.
Your testimony has been right on the target.

STEVE CLINE:

Thank you Representative Furnace. I will say this, that although that it doesn't stress here, I knew that you were probably hurting for time. I don't mean to say that I feel that if those things are tightened up that everything will be hunkey dorey. There are many, many more abuses in the department that are going on on a daily basis, but I just don't have time. I mean I could sit down and go on all day about this. But those are just some of the ones who come most readily to my mind.

REP. FURNACE:

Thank you. Mr. Cline, could you submit what you've done so far in writing to the committee?

STEVE CLINE:

I would find it hard to try to say everything that I've done in writing. I can give you all a letter, I guess, regarding what I consider to be the problems and, you know a short version if that's alright.

REP. FURNACE:

Yeah, that would be fine, but, probably even better still, now that you....we do have your testimony as a matter of tape. In your commitment to work with Senator Coghill and myself and other legislators, maybe we can suffice with that.

STEVE CLINE:

Well, I appreciate that, Representative Furnace. Whatever I can do to help, let me know.

REP. FURNACE:

Thank you, thank you very much.

STEVE CLINE:

Thank you Senator.

REP. FURNACE:

We go to Miss Mendel. For the record if you will, state your name and spell you name for the record and proceed with your testimony.

ALISON MENDEL:

Thank you Representative Furnace. My name is Alison Mendel. My last name is spelled M-E-N-D-E-L. I'm an attorney. I've practiced in Anchorage for the past 8 years and for the past 6 years I've done almost exclusively the family law cases. I represent both mothers

and fathers, social and non-custodial parents in the whole variety dealing in law proceedings. I have things to say about everything that is under consideration here today. But I'll be merciful and confine myself to one particular area. The things that I am most concerned with at the present time because I don't think its functioning properly is the court system, in particularly the custody investigator's office. First of all, the court system - and I'm speaking - I practice in Anchorage, but I have a lot of contact with courts in other cities and lawyers of other cities. I have cases going on in other cities and these problems are to a greater or lesser degree in this whole state. I'm sure that you heard during _____ enormous frustration on the part of the participants of all sides of these proceedings and its my perception that one of the sources of these frustrations, I mean there's always going to be frustrated people because people in these proceedings lose. And the losers are going to be frustrated. But the state of affairs right now that even winners are frustrated. And I believe that one of the reasons for that is that we have inadequate resources in coping with these problems. Its not a matter of choice particularly. In divorce they have to go to court. They have to deal with the system. Its there. They can not dodge it. They can't do it themselves and if they can't

agree between themselves, somebody has to help them. Right now Anchorage, public advocacy filings are a family ____ of one kind or another and we only have one judge assigned full time to do the family cases. A lot of family matters go on a part-time ____ add those cases to other judges, but there's only one judge that's full-time responsible for those things. He just isn't - there any relationship to the number of cases. He _____ the civil cases are spread ____ but there just isn't that kind of ____ with anything except family law cases. As a result, you get a back log of undecided cases that is just phenomenal. This isn't my clients and my cases, this is everybody. All of the family law cases. We have issues sitting around waiting to be decided since January and February. There are issues having _____ and can't wait from January till September to find out where the kids are supposed to live. It doesn't make any sense. and if, I don't believe, I've heard arguments from clients and people who testify here and this and that. They think its this person's fault, ____ fault, sometimes that's true. I think the main problem is the resources are simply not adequate in solving this. There just is no way that if this person and that person did their job that they could deal with the enormous ____ of stuff. Its impossible. It just isn't there. One major component of this delay is the Custody

Investigator's office. We have currently in Anchorage four custody investigators. I don't know how many there are in Fairbanks. There's at least one. There are many many places around the state who have no custody investigator. The current system is that if you're in the Third Judicial District, and you don't live in Anchorage, generally speaking the parents have to pay to transport the Custody Investigator if they want custody investigation at all. In Anchorage you're required to have a custody investigation if there are contested issues of custody or _____. So again, its not a choice. It should be. Unless you pay somebody outside to do your custody investigation, you know, that could become \$1,000 of absolute _____. And you have to do with the custody investigator's office. At this point, if I started a case for you today that involved custody of children, and want a court order for a custody investigation it would take probably months to get an order. And then you don't get an appointment to see an investigator for the very first time for at least 90 days. From that point they want at least 90 days to do an investigation. So we're talking you can't get an opinion from anyone for 6-7 months. And it can take much longer than that. In addition, you have to understand, and many people don't when they go into this process, and we're not really talking about investigations. Custody

investigators sit in their office and talk to people. They don't go out to people's homes except rare cases. They don't go out and look at things. They don't go out to the school. They're not social workers. Some of them may have been in the past, but that's not what they're doing now. Frequently they don't even contact third parties. They don't review records that are available to confirm or disconfirm this or that fact. Mostly they are just listening to two sides of the story and trying to select what they think is right. If the _____ to the custody investigator's office doesn't have any particular _____ level of expertise. Some of them are ex-social workers. Some of them are ex-probation officers. Some of them have some psychological training. There's no specific set of qualifications. Nonetheless, the court, partly because it is so pressed for time, relies very very heavily on the findings of the custody investigator. Sometimes they rely a little, sometimes _____. Sometimes they are probably direct, sometimes their result is of bias, this _____ and lack of training, all kinds of _____ things can happen. There's not a whole lot that the average parent _____ but his attorney, can do about the situation. Nonetheless they can really afford a great deal of outside professional opinion. The fact that the system's _____, the only people who can really make it work, _____ hire extra

help - obviously it's not doing what it was designed to do. I'm not here to make an argument against having custody investigators. I think obviously we have to have something along those lines. The great advantage of the system that we have is that its free. There is something there, someone that parents can talk to. Its better than nothing. But at this point its not a whole lot better than nothing because its understaffed. It takes too long and there's a lack of expertise there. I don't think that all myriad of problems that people are here complaining about actually ___ worse custody case, and that's a violence case, ___ all these other things____. I don't think its going to get a whole lot better unless there are more resources to ___ with. I realize that's very hard to make for the _____ its due, but there really is no other way to fix it, other than to just let people go duke it out with _____. I would be happy to answer any questions or provide any information anybody is interested in. I have a lot of cases, broad clients, and they get down to a lot of specifics, their experiences that they talked about. But I don't want to tie up the hearing time going into those things. This is my perception of where this is in terms of breakdown.

REP. FURNACE:

Well we appreciate that Ms. Mendel. Between you and Mr. Cline I think you're two valuable resources in terms of persons who are active law and actual experiences in dealing with the situations, and we know we can always draw on their expertise. ___ Senator Coghill to address to the legislative process _____. Okay. Let me just go to the schedule. Okay. We have one teleconference. And let me, for those persons who are still waiting and continue to wait, we have a Mr. Arnesen, Mr. Toney, Mrs. Bosch, Mrs. ____, Levy, so at least you know where you are. I know its been a long process and I _____ - a way, we're working_____. I'm going to go right through. So we'll take the gentleman on the line now. Let's see. Mr. Davis.

MR. DAVIS:

.....you just want to know what. I have _____. My daughter and I _____, she came home and was ___ My daughter is going to talk to you briefly. _____ and I feel real bad about slapping my daughter. Matter of fact that night I told her I'd never ___ her again. My daughter was _____. My daughter was taken into custody for.....went into court... my daughter was going to be allowed to come back home. We go into court once and we had to wait 45 days .. We talked to my daughter. She wanted to come home..... though the intake worker, there was a number

of reasons.....to try to get the child back in the home. They came over to the house and after we got to the courtroom,my daughter...we took clothes for my daughter. And that time the.....told us that things would befor 45 days. They had a program called..... that maybe after 45 daysEaster. I contacted Sen....., he said to we could do. WeSaturday and had lunch with he went to the foster home, the foster home where she was kept. She told she left on a Friday night andthere were juvenile delinquents in the home that were teenage prostitutes. They sexual intercourse with.....got my daughter and when she came home that things were not and that in order for her toshe was going to have to.....this was my daughter told us this... she wasI started getting a lot of phone calls in October.....in the hospital...a 4-5 day hearing....They kept telling us that she didn't want to come home. They kept telling her that we didn't want her home. You can't trust them..... Later on I talked with an attorney, attorney General_____ going to work out some problems...every time I called to talk to the counselors about.....that was the only solution to the problem. My wife and myself..... we finally got to visit....with a psychologist there...because every time we talked, they'd take

everything we'd say.....asked about sexual abuse here....my daughter refuted the story...a week later we get amy daughter's social worker...when I told my counselor that I was going to pursue this civilly....and she never got her diploma... (Most of teleconference was indiscernible.)

REP. FURNACE:

Thank you for your testimony sir. We really appreciate you taking time out. We apologize for the long delay in getting to you on the line today. Thank you very much. We will keep in contact. If you will sir for the record, state your name and spell it for the record.

JIM ARNESEN:

Yes. My name is Jim Arnesen. A-r-n-e-s-e-n. I appreciate the opportunity to come here and talk once again. What I want to talk about today is rather short. I'm glad Mr. Cline and Ms. Mendel spoke to this board this evening. A specific subject regarding the child custody investigator's office and Artis Cry in particular. I was interviewed by Artis Cry on November 28, 1988 in regards to a divorce proceeding. The particulars regarding the interview related to an emergency expedited motion for temporary child custody sought by my then spouse who had indicated that she

wished to move to Juneau and take the children out of school, out of town, away from their friends, family and their father, to be with her in Juneau. The hearing was to be held within a month so time was of the essence. The child custody investigator would not have the normal timeframe available in which to do an in depth investigation. I could see this coming ahead of time cause a couple months previous to this I had obtained forms that the child custody investigator uses. And I distributed them to everybody that knew myself, my family and my wife. And when they were completed it was just in time for Artis to see them, Artis would have never had the time to mail them out herself and get them back in time for an evaluation. I had turned in over ten to fifteen of them, I don't remember the exact amount. Artis' biggest problem with me appeared to be that she wanted to know how I got the forms. She appeared very irritated that I had turned in so many. My spouse was only able to muster up two affidavits. Artis spent much time with the questioning of me in regards to the forms. She did not care what the content of the forms were, she just wanted to know how I got them, which had no relation with the job the custody investigator's about. She made it seem like I was a criminal because so many people had signed affidavits in my favor. In addition, I had a report from a local child psychologist,

Dr. Collins, who had interviewed myself and the children and gave a favorable report. Knowing that time was a critical factor, I was well prepared for Artis. Artis did not appreciate this preparedness at all and plainly let me know. Here was information Artis could have used to formulate an opinion, but rather she chose to ignore it. Because she was not happy with my level of preparedness, in court at the hearing later on she testified that all my affidavits were probably filled out with my coaching, so henceforth, they were unreliable. She never once contacted any one of those people to verify her testimony in this regards. But in regards to the two my spouse turned in, yes they were valid. My spouse worked for Sen. Rick Uehling at the time and I believe there was some political pressure applied here or favoritism or whatever you might call it. Artis Cry's total rejection of all the facts presented to her was, in my eyes, totally uncalled for. Her persistent questioning of where the forms originated from was uncalled for. It was the content of the forms that was most important. They should have been verified and taken into consideration. The information was there and it was not used. I feel that in my case the child custody investigator's office and the court system failed to do the job they were assigned to do. I fully understand that the office is severely understaffed and perhaps under

financed and I'm glad that Mr. Cline and ___ heard about that same situation, just informed you. We need to make sure that the office is responsive to any assistance in the procurement of information in a timely manner where cases are being heard on an emergency expedited basis, especially those cases where time is not available for the office to complete its tasks. This was the situation at hand. I feel she should have been at the very least contacted a few of the persons making affidavits. If she had spoken to them, she would not have made such irresponsible statements and callous misrepresentations as she did at the hearing. My suggestions are that the custody investigator's office needs to become less political influenced. They need people that will do their job. They need funding to properly staff cause they have lots of needs out there. There's a lot of people that have problems and we need some, just like Mendel was speaking earlier, we need somebody to help the court adjudicate these matters and a special division should be created to handle the fast-track cases where all these expedited motions come up and develop, and you know, you heard Mendel it takes 90 days, 180 days. My case was a 30-day case. I tried to help her out. And she chose not to accept any help. The office should be prepared to make their recommendations based on all the available information, not just information they

choose to use. And lastly I think the personnel of the custody investigator's office need to be held accountable for their actions. I'm sure there's many cases you've heard people have been severely harmed and the children have been harmed by some of their actions, which were not quite proper or very careless in how they handled things. It is my hope that the many problems with this agency and other than the few I've mentioned, can be dealt with together with some of my suggestions. The children are the reason for this agency and steps must be taken to ensure that their interests are protected. Thank you for allowing me to testify.

REP. FURNACE:

Thank you for that. Good testimony also.

JIM ARNESEN:

Oh. You know I testified at the last time and my testimony wound up in front of Judge Carlson.

REP. FURNACE:

_____ still I....

JIM ARNESEN:

And I was drug back into court with my testimony here being an exhibit. I would like to be informed if

anyone from the Senator Uehling's office wishes more information before you hand out any of your information.

REP. FURNACE:

I think wea lesson from that experience. Although its public information, I think we can use some discretion at how _____.

JIM ARNESEN:

And number two, lastly my ex-wife no longer works for Sen. Rick Uehling, so she would not have legislative powers to obtain this information. She'd have regular public powers.

REP. FURNACE:

Thank you. Thank you sir. Mr. Toney. Are you here? For the record, if you will state your name and spell it for the record. We appreciate it, thank you.

SARAH TONEY:

Yes sir. My name is Sarah Louise Delores Toney. My last name is T-o-n-e-y. And since 1964 I've been a resident of Alaska. In 1970 I was, 70-72, I was a _____ specialist at Ft. Rich. I did all the testing and my first _____ the children who could not reach _____ all the testing in all of the schools at Ft.

Rich. From '73 to '77 I'm the visiting nurse here in Alaska in Anchorage. And I did counseling, budgeting. I monitored the medication in the facilities at Hope Cottage and _____. I worked with the Middle House Clinic on 2nd at that time. Dr. ___ and I went into him with the problems _____. Well there hadn't been any therapy in 3-5 years ___ and counseling wouldn't _____. And I'm the case manager in an _____. From 77-80 I was in charge of mostly intensive care at API. I was _____. But we were very fortunate at that time at having Dr. Munson who was _____ at API at the time and Ken ___ a psychologist, the one we worked with. And we set up an individualized clinic there in intensive care. And most of those people were _____ and we made a lot of changes, but we made it by having team work. And I'm one of these type of people that if I go into something, I didn't _____ try to do the job. I believe in quality control. I'm the type of boss and ___ I don't want to hear the boss _____, I want to ___ productive ___ of what's going on and how we can improve and where we would have gone, you know, and have a goal, something to work toward. And get everybody a part of the team and get input from everybody. And its been very successful in the last two years in doing things of this nature. And in 80-82 I was in charge of _____ Hope Cottage and ___ facility, and

then spent 4 months in _____, which _____. One of the claims that I sponsored from some the ___ in to '84 had a nervous breakdown, went to API and stayed 60 days and was transferred to a nursing home and stayed for a year. And Claudia, instead of better he got worse. And I wondered what was going on. So I took a job there and was in charge of the _____. And it was like _____ 4 months and found out that a lot of the staff was afraid of him. And rather than get well because he was not receiving the type of medication and treatment that he needed, he became very animalistic. Then he had a heart attack and went to _____ Hospital. And after a month of hospitalization, he wanted to be transferred back into the nursing home. And the nursing home didn't want to accept him. So there was a decision to be made in regards to his care. And because he was incompetent in _____ and BM and would _____. Most of the ___ facilities are not equipped to care for somebody who is incontinent in urine and BM and that's only _____ nursing care. And that was the only nursing home that we had at that time. _____ not accepting him back. The only place that would be available for him would be API and he'd been a person who over three years of his life _____ retardation. He had a thyroid condition and a heart condition and _____. There's a lot more problems involved _____ as well as physical

care. And because of having him, after I was his visiting nurse and _____ API, and seen the improvements that he made, seemed like my _____ did not want this person to go back in the institution. So since there was no other alternatives and nobody else accepted him in the institution, they would have to keep him and eventually send _____ to Valdez. ___ in this hospital said, well, why don't you take him. Well, I _____. But I hadn't thought of taken up whole care, you know, because I wanted to work to. And I prayed about it and I was not able to get _____. I was working days _____ nursing home, and they knew that I wanted to take care of him. I was a ___ would have to be home in the daytimes to administer treatments and stuff. And at that time my baby boy, he was living with me, and he told me that well, if you're going to care for him, I would help you. _____ with my family. He would be part of my family, not really living in the household per se. So after much prayer and thinking about it and _____ at that time I had _____ I could make a move, and I made the move with my son's support. And then I, in '82 because he was in diapers and at the time _____. And I kept him but I tried to find out from Social Service, you know, where can I get someone to ___ help for me cause I was spending \$17 a day on his diapers. At that time we didn't have diapers, we had _____, which was 12 of them for

\$7.98. ____ for a big person, you would have to use 3-4 of them just to be enough. And so I did these things, but, these social services, it was very hard to find out from them. I contacted them, but where do you go. I mean one would tell you this and another one would tell you that, and they'd send me here and they'd send me there. And they said, we'll have someone from the home house to come in. You know, we'll have a visiting nurse to come in. Well should have a visiting nurse and why should you have home health come into your home when you're a nurse and you've _____ and have been doing the cares, and treatment and stuff already. So this is one of their means. When you're trying to help those people who aren't as fortunate, you get no support from the system. And then finally I made a trip to Juneau in '83, was the ____ fly-in and I went into ____ for a correction and ____ care in the community and was able to _____ was able to get some support from _____. And I came back _____. But in 1988 this client was pulled out of my home. After 13 years.

REP. FURNACE:

13 years.

MS. TONEY:

13 years. You know. And he was living with me from 82-88 and from 77-84 I sponsored him, you know. From '84 I didn't receive any kind of income___ but from '84 to '88 we had to see _____. Okay it was in '84 _____\$600 some dollars. And we went to court, we went to court for guardianship for him. So I was appointed his full guardian _____ physical___ his maintenance and everything. But from 84-86 until October of 87 I was getting only \$26.07 a day for his total care. And in '84 when we went to court, you know, we had a public guardian who was in charge of his foundation funds, well, being in charge of the foundation funds, she was in charge of everything. But she changed the public assistance and social security. She _____ and changed it and she did not know this fellow. _____and she did not notify him until July of 1988 and when she notified them, they would not change it until they received a court order. But in '84 when social security sent me a notification that the payee would be changed from me to the public guardian's office, they told me any checks that I received after that date _____ and so the only chance _____ was the Native land claim. So I took it to the social security office and the social security representative said that we would continue to receive the land claim money, but each time that you get it, you call us and let it know and how much it was received

on and how much it is. Well I do this. But ____ from 88 until the present, even though I have been investigated by the office of public advocacy and social security, when, you know, the Division of Family and Youth Service, I've been investigated by the IRS, the internal revenues, they ____ to investigators from the fraud unit because of the ____ dollars from this client that was used to his care and then they pulled him out and _____ even have it so that I can't even visit him. He is...my guardianship has been terminated and the court visitor is the same person from the ____ that was the ____ person that would not accept him back that said _____. But the authority from the court was given to the office of public advocacy. So really we have people here that has a lot of _____. Now I personally with the last 10 years of _____ they listened. But you really don't have a leg to stand on unless you've got money...and even my son, who had for six years helped me, financially as well as morally and ____ for six years to make these things possible. He ended up having his probation....even though my oldest son _____ because I had a patient in my home who was terminally ill, was given less than 6 months to live. This patient, his _____ for 3 months in the hospital, do you know his wife came because of his terminal condition, to social service, he had a conservator, and nobody wanted to

sign for him to have surgery done. They notified his wife in California and his wife came here _____ in '87. Do you know she put in for guardianship because she knew that he had _____ and because she knew what to do and went through the procedures to do it, they had given ___ from the office of public advocacy for me to get the husband ready to go home, and when she found out that the wife had put in for guardianship here, she take _____ and they stopped his shipment, they stopped his flight, they made a reservation for him for a flight home and everything. They stopped it and put it back in court and gave the full guardianship to _____, the wife stayed with me from August to November after the full guardianship was completed and they promised her faithfully that her husband would _____ Thanksgiving in '87, nobody _____ the day after Thanksgiving. I mean _____ going to a nursing home for one day to make sure there was no trauma from the trip. He stayed in the nursing home for 4 months and had to be hospitalized for surgery on both hips. But in my _____ of \$1,500 using a _____ and after he ___ in late fall, the office of public advocacy wanted to know what to do with his chair. But his guardian said no, we're going to crate it and it stayed there and after _____ and his wife_____. There's no response to the people. And the humanity has gone out of the

picture. So I think we have three agencies here that has abused their powers. We have the Division of Family and Youth Service, we have the office of public advocacy which has access to all the attorneys and what have you, we have the Department of Law, and they all get together and do whatever they please. We have some good laws on the books and I think with the _____ that we have today, we should have a better common goal.....6,7,8,000,000 people, but we have a state with 500,000 people and we have computers, we should start giving everyone that comes into the system should be ___ in and _____ so that everybody would know where and what is needed. Rather than this person with their own vendetta against _____ and for _____ when my name comes up, you know, they say, boy, what does she want now, you know. Yeah, I have _____. I have lost tremendously. And just like my son, you know, _____.Why? You know. He was involved in a crime that there was nobody hurt. That money was confiscated at the time and I see what happened to him. He was so, he was so upset because he was four months in the _____ dying man in that home, you know her husband had _____ and yet he felt _____ social service _____and said he \$18,000. And do you know his wife, this patients wife was a heart patient and she was a diabetic and was on insulin. Her medication was \$217 a month. You know who pays for that? I did.

I went to all social agencies and ___ not only because she had her husband, who couldn't get ___ and the office of public advocacy and ad litem, you know what they told me. Because the man had been married 47 years, and he had been in Alaska for 32 years. They said how did the wife take care of herself the last 32 years. You know. They were still legally married. He lived here, he worked here, he was a truck driver, but he had a duplex in California. Do you know they sent a guardian from Fairbanks to California to declare his home unfit. And how can you say a dying man's home is unfit. I mean _____ you know. But he had a nice home. But instead of sending him home where he could be cared for, we had to make arrangements for me to have a visiting nurse in _____ the wife was _____. I talked with Dr. _____ from Health Home who said he would give us his support. Go into the home and visit with the _____ stated here 4 months and then the wife _____. And just like with Joe, you know, he's 62 years old. This was the first time in his life he'd been able to talk. Two years _____, you know from Juneau and _____ he can't learn to read, but he can talk verbally and in these two years time I've seen him only once. Was able to talk with him only a couple of time. And the last time I talked to him was in February. He was in a home. And in this home I talked with the care

provider, and he was walking backwards. They used to tie him down in bed and in a chair. And ___ I knew with him having a thyroid condition and having a heart condition and all this stuff, his thyroid medication is not being administered, and the home he's in there's no _____ nurse there, or there's _____ or what's going on. And um, _____. ...it doesn't really matter as long as he gets someone to take care of him. But I think we really need to give some thought on the individuality, you know. In a large situation I can see where we need a case ___ or we need to have more than one on specific things. But here in Alaska where we have all these ___ people, we _____. And where is the justice. I certainly thank you for taking the time and hear me just a second. In Sen. Uehling's office he has a packet on me. If you'd like some additional information.

REP. FURNACE:

Thank you Ms. Toney. I thank you for your patience and for your testimony today.

MS. TONEY:

I saw this in the paper. And I thought wow is this is a good time. I'm on the black list already, so why not just really be on it.

REP. FURNACE:

The next person to be is Mr. Levy is it? While you come...I'm going to take a ____, for the record just spell your name.

ALLEN LEVY:

Okay. My name is Allen Levy. A-l-l-e-n L-e-v-y. I called to try and make an appointment, I wanted to get this on the record. I called to try to make an appointment and the person I spoke unfortunately__ told me that they were not taking appointments to show up on a person-to-person basis. So I would just hopefully, _____. I work for the Anchorage School District as a bilingual tutor and I also work part-time for the Division of Family and Youth Services as a youth counselor I, temporary hire, on call staff over there. I work for them on a part-time basis. I have over ten years of experience working with children of all ages from pre-school through high school in a variety of different settings. And I have seen the workings of the judicial system and family & youth services and other related services in this state from a lot of different angles here and quite frankly I'm appalled at the lack of resources available to women and children who are at risk and in need of protection. There's much to be said about the state of women and children in this state, the dangers they

face, the lack of protection, the lack of enforcement of laws, restraining orders, and stipulations and especially domestic violence cases. The attitudes they face when they go for help. There's a tidal wave of ignorance an impression that is leaving women and children throughout the state ____ and ____ . As an example of this exposure, Ms. ____ was shot in her office by her ex-boyfriend even though she had a restraining order. Ms. ____ was gunned down in her car by another ex-boyfriend. A ____ was stabbed in her bed by an ex-boyfriend. _____ children are __ neglect. I had two students all last year who were coming to school literally in rags and covered with filth with medical needs not being attended to. We recorded these things to DFYS and we saw no improvement whatsoever in the condition of these children during the course of the school year. They've been moved to another school so I don't know what their condition is. I don't expect it to have gotten any better. For every one of these cases that gets attention in the media there tend to be hundreds of others that go unpunished or unrecorded. Women and children are being beaten, abused and slaughtered in appalling numbers. A moose or caribou gets more protection in this state.

REP. FURNACE:

..thank you for that comment.

ALLEN LEVY:

What I'd like to address particularly is the _____ measure of custody in the office of the custody investigator and in particular because this is very personal to me. My wife, I'm her second husband, barely survived a brutal and abusive marriage and an ugly divorce. At the end she lost custody of her two daughters to a man who had been convicted three times of DWI. His license is now revoked for 10 years. He was ___ once for assault and continually beaten and abused her and did more things that I do not care to go into here in front of children. Astonishingly, the custody investigator recommended that the father be given full legal and physical custody of the children. Part of his reasoning was that their mother appeared to be, and I quote from his report, "a lifelong victim and it is not in the children's best interest to be taught this dynamic, or they may find themselves in an abusive environment." Research as well as common sense has shown it is not victims that create abuse, but abusers that create victims. There is a wealth of information available demonstrating the risks and the dangers in exposing children to domestic violence, as well as the risks inherent in placing them in custody of perpetrators of violence. In spite of this it is

not unusual for battered women to lose custody of their children or be forced to co-parent with the batterer, thus putting themselves and their children at risk. There continues to be a great deal of ignorance on the part of the custody investigators as well as the courts. There is a tendency still to blame the victim and excuse the batterer as if she had driven him to it. And so she deserved it. The courts and the custody investigator seem to be out of touch with the world outside of their courtrooms and offices. Victims of violence often get emotional, breakdown and sob when recalling being assaulted and humiliated. They fear that they won't be believed and rightly so because the batterers and beaters are often smooth and calm and collective and so the courts and the custody investigators find them more believable. A friend of mine spent months from the same custody investigator. I might add that the consistency in custody investigations is also appalling. My wife, when she was going through her custody investigation, it lasted less than a month, and the children were seen each for an half hour individually and she was seen once and her ex-husband was seen several times. And the custody investigator was a friend of her ex-husband's family. Well this friend of mine spent months in a long dragged out custody investigation trying to convince this same investigator of her husband's violence and

lies. And she was not believed until her husband one day actually lost his temper in front of the custody investigator and almost hit him with a chair. A little bit of reality there for the custody investigator's office. Research shows that children exposed to violence will often side with the violent parent. They allow themselves to be bent to his will and learn to put on a facade and calm while inside they are in fear and turmoil that is only controlled by surrendering to the will of the violent parent. So, when custody investigators rely on children's testimony after only a 20-30 minute interview, there is no reliability there and they are ___ the dynamics that are going on inside of these violent families. Placing children in the custody of the violent parent virtually guarantees the next generation of victims of domestic violence when little girls see daddy beating and abusing mom. And discovering that the judge thinks that they would be better off be living with Daddy, they learn there is no protection under the law for women and that people who yell and scream and get drunk and punch a kid, these people, this is what we're teaching the children. _____ and suffer by sometimes___. What can the law do? Most reliable deterrent to domestic violence is jail. Research studies have shown this. The law must make it easier for women to protect themselves and their children.

Judges and custody investigators must be educated to the reality of violence and terror that shapes the world in women and children that come before them. They must be taught to look beyond appearances and discover the truth. The law must make it easier for victims to be heard and be believed and harder for batterers to get control of the children. And through them continue to produce violence. Since my wife has lost custody of her children, she has - her access to them has been severely restricted and she gets to see them at most twice a month, and often these are cancelled because her ex-husband schedules special activities for them. There is very little recourse for her under the law. She appealed this to the Supreme Court on the grounds that the judge had abused his discretion in awarding custody to a violent father with a history of alcohol abuse, violence and other criminal activities. And the Supreme Court did not want to hear it because they felt the judge had not abused his discretion. This is incredibly humiliating experience for a person to go through, to lay oneself before a custody investigator, and provide supporting documentation in the form of references which were testified to earlier. And have them disregarded. Her ex-husband provided no supporting documentation whatsoever and was able to get them. Either provide competent service or get rid of it is the way I feel

about it. That a watch that only tells the correct time some of the time is worse than no watch at all. Emotional damage to the victims would be considerably less if they lost to a toss of a coin than to not be believed after having layed themselves bare in their search for justice. Thank you.

REP. FURNACE:

Let's see. Is Ms. Bosch here? You're next. Step up. I'm just.....okay just checking. Ms. Bosch if you will go ahead. For the record, if you'll spell your name.

BETTY BOSCH:

My name is Betty Bosch. B-o-s-c-h. They call me Gypsy. And I am testifying today on 3AE90.1606 in the State of Alaska. This is what I brought up before. We have a young man who met a woman and they had set up a date to be married and I was here at the last testimony. He had been led to believe that he was going to be married and he and his girl had moved in together. She was going to have a baby. Now he found out that she was married, after he moved in with her, after they had set their wedding date, and after she was pregnant. He found out she was already married and had a child that she had given away to her mother, that she had hid. When he found out, she took the

baby, she was pregnant with when she moved away and she filed Alaska charges on him. Now he spent nine months trying to get something through the court so he could ___ in this child's birth. He's been told he's a surrogate father. He is nothing more than someone to get her pregnant because her husband couldn't. He went...since then his son has been born. He did not get to know the day he was born, or the boy's name. He went to the State of Alaska, Department of Child Support Enforcement and filed papers to get custody of his child and to be a part in taking care of this child. Through them he found out that his son's name is Corey, but he still has not been told where the child is. He's never been allowed to see him and as far as we know the child has been taken out of state. Now its bad enough when a young man is married and has children taken away and has to go to family courts. ___ family support and the state are going to be helping him on this particular case. I'm not sure at this point. But one of the things we need to concentrate on while we are setting these rules up is that they cover the man and the woman who aren't married. Because there is the family...and now at this point some rule has to be set up in this state for surrogate fathers. I'm for the mothers and the fathers of the family, total. But we do have something to handle women who have surrogate births. We have nothing to

handle a young man who has been used only for his sperm. And part of his rights as a father and especially who was cheated into a contract which led him to believe they were going to be married. And I think these were things...I don't know if its ever come up before...but it is an active case. That's why I have the case files and everything on it. I don't want to take too much of your time. I could come down and talk to you all later. I did want this case on there and it documented that we do have at least one surrogate father in this state. That we have to be concerned at this point. Ken is a ___ to take and was a breach of actual contract, a verbal contract, a deceiving contract which she used him regardless of his feelings, and this ___ real bad position. As a result of him fighting for his rights to even see the child and ___ any part of his life, any support, anything, he's been charged for harassment and he's been labeled a menace to society because he won't leave her alone because she says he keeps calling. Now he's never had any physical contact. There's never been a bruise or___. Its just been phone calls. And so I'd like to be very much involved in helping set something up for...end of tape 8....

BETTY BOSCH:: (Continuing)

...um...I guess I could just let it go with that and 'cuz you have had a long day and you know enough on this one. But is this something you'd be acting, you know, looking into right away? Because our concern here is that this is his child and possible he has been taken out of the state. We want to know whether the father, in a situation like this, is going to be covered by the same laws as any other parent, if you're a non-custodial parent and the child has been taken away from you, has that child been kidnapped?

WALT FURNACE:

I personally don't have an answer to that. It's a ...it's a whole new...I mean what you told me, and this _____ first I've heard of such an incident in the State of Alaska.....

BETTY BOSCH:

I think probably once this is brought up, that we'll find that there are a lot more.

REP. FURNACE:

Yeah. Maybe Kathleen and Jack and this task force continues with _____ Jack continues with _____ heard something that she could chair.

BETTY BOSCH:

_____ on that one, okay?

I'll get it. I'm back and forth every day, so you know, I can probably see about each card. And I guess other than thanking you, because you have to be terribly tired after this. We really appreciate all of you. And, are you going to have any more of these hearings?

REP. FURNACE:

There is a..I think, two more hearings set before the end of the year. I don't have that schedule.

KATHLEEN:

It's my understanding that right now the next hearing will be October 19 and 20 to talk about the court and the court personnel, and I think it's November 17, 16-17th or 17-18th, I'm sorry I _____ those days....

BETTY BOSCH:

Well, this is too bad, because here again a person is pulled into family courts and are given no rights, whatsoever, I feel that it's very special on the part of the child enforcement agency, that if they have changed what will work because they _____ do this for the guys, so they're trying to be working for him or we need to establish a sort of something

that other men can go through without breaking psychologically, financially and then end up in jail. At this point, this young man is being told that he will go to jail because he has not stopped calling and trying to find out about his child. Now there again we need to establish (1) is people...if calling with intentions, leaving a message

REP. FURNACE:

We have David Gurichn. I was going to pronounce it another way.

DAVID GURICHN:

That's okay, everybody does.

REP. FURNACE:

We appreciate your patience David. For the record you will give your name, spell your name and proceed with your testimony.

DAVID GURICHN:

David Gurichn. G-U-R-I-C-H-N. This hearing is about the state agencies that get involved with individuals that pertains to children. I've been involved with the _____ investigators office, job support enforcement division, division of youths and social

that she was on welfare, if I knew that. My
was in supporting the household, and that she
aid. I said I knew of it, I never saw a check
never saw any money. He said well then, I can
you for fraud as well. I said if it takes
indict me to get her to stop too many welfare
and my support pa...child support payments aren
they are, because they were billing me for ful
and so _____ indict me. In this invest
they reviewed the file and she...something
where she's getting less. _____
Because custody was at issue when it went bef
court, they asked if the special investigator
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give him copies questionnaires that I would
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cult to do, I gave him to my mother and my sist
a girlfriend and a prior girlfriend. And, aft
was done with his investigation, he made the st
that he threw all my questionnaires out becaus
family members and friends were too clo
_____ were distant. He made a re
dation to the court with no input on my positi
recommended that I have two days a week sup
visitation. So at the Little Red School H
Wasilla where I first saw my son at age 3-1/

that she was on welfare, if I knew that. My intent was in supporting the household, and that she was on aid. I said I knew of it, I never saw a check, and I never saw any money. He said well then, I can indict you for fraud as well. I said if it takes you to indict me to get her to stop too many welfare frauds and my support pa...child support payments aren't what they are, because they were billing me for full rents and so _____ indict me. In this investigation they reviewed the file and she...something occurred where she's getting less. _____ office. Because custody was at issue when it went before the court, they asked if the special investigator didn't _____ John Hanson was appointed, he told me to give him copies questionnaires that I would give to individuals that witnessed me with my son. I didn't see my son for 13 months. It was a little bit difficult to do, I gave him to my mother and my sisters, or a girlfriend and a prior girlfriend. And, after John was done with his investigation, he made the statement that he threw all my questionnaires out because of my family members and friends were too close and _____ were distant. He made a recommendation to the court with no input on my position. He recommended that I have two days a week supervised visitation. So at the Little Red School House in Wasilla where I first saw my son at age 3-1/2 after

not seeing him in 15 months. He asked if I wanted to play with him. We were strangers. We sat on the floor and that's what I did. Although his mother violated orders, even that form of order, my attorney said well, we don't want to go back before the court for a trivial thing. I'm passed forgetting trial and there was some formalities to my visitations. Extended. No evidence of abuse was ever presented when _____ obligation by _____. I want to reflect Mr. McCarthy, whom I've known for the past year through my involvement with _____ hospital down at _____ regarding the ad litem program _____ - he testified about there's no state agency that would render supervised visitation. I disagree. To create another agency to feed this problem doesn't solve it. I'd like to read a letter I wrote to Jay in May of 1990, and, when the office _____ - was appointed as a guardian ad litem _____ ad litem was supposed to do, I thought the facts and the truth should be brought forth, and the opposite occurred. Judith Rich was appointed as a guardian. I was her first case, I was told she was lightly and unsupervised. At first I was told, wee, we're not sure if she's a contract GAL or possible volunteer. I learned about the Alaska Family Support Group by a State Trooper and a City Police Officer during Christmas of '89 when we were looking

for my son. Through the Alaska Family Support Group, I learned that _____ chairman had just founded that committee. Judy Rich had recently married _____. Here we have Judy Rich making suggestions to the court, to the judge, and her husband is the chairman of the committee that oversees the conduct of the judges. This was not considered _____ (misconduct ?). Dear Jay, this letter contains _____ (obligations ?) Alaska Statutes, and documents to show that you...to show you that Guardian ad Litem in the case...when this case is in violation of Alaska Statutes. It is my understanding that in October of 1990, upon my request to you to have the GL removed that your office is without the funds to do so. My contention is if you can pay Guardian Ad Litem Services Incorporated, for services rendered, why then can't you afford to pay another Guardian ad Litem for visits? It is also my understanding that Judith Rich is new in this position with just one or two cases at the time her placement services were provided for my son. At the time Judy Rich assumed the duties of Guardian ad Litem in this case, I informed your office that the relationship between Lois Bigelow, Stephanie and myself, was close. Also that Lois, as a teacher at Springfield Elementary School, had at one time the son of Judith Rich in her classroom. Currently she has

Judith's step-son in her classroom, Vince LaPally's (ph) son. This I consider _____ Alaska Statutes 44.21.460 AS.44.21.440 attached. Miss Rich, being placed in the position cannot provide the service for the intent of the Guardian ad Litem program in a manner that always prompted interest. The report for the court written by Miss Rich has many false statements in it. It is a defamation of character. On page 25, Miss Rich's report is recorded below. It says Mr. Gurichn has been under reporting his income and deliberately choosing not to work and should be denied administrative use through CSCD until his income exceeds and adjusted gross income with \$28,000 per year. The statement constitutes gross negligence and insinuates that I have committed a federal offense. She has indicated that I avoid work and do not report work that I have done. This is an untrue statement. It's harassment in violation of Alaska Statute 44.214.50. 44.214.50 Civil Liability and Volunteer Guardianship. Volunteer Guardian litem is an individual _____ is not solely liable for acts or omissions during the good faith performance of the duties as Guardian unless the acts, omissions, constitute gross negligence. Upon her deposition, I shall further prove that Miss Rich is in violation of the above statute. I queried Miss Rich as to why she stated the above. Her response was "I

didn't say you under reported your earnings." just that pure and simple. Guardian ad Litem Services, Inc. has given myself and others legal advice. This accusation shall be proven upon disposition _____ in the month of June. Violation of 44.21.460, _____ and volunteer Guardian ad Litem in volume 30, may not give legal advice or act in the capacity of an attorney for minor _____ agency. That reflects back into the Alaska Statute 4421430, attorneys engaged by public advocacy office. Only an attorney admitted to practice..to the practice of law in this State may be appointed or retained under contract by the office of _____ to provide legal representation. Here I had Judy Rich acting as the attorney....and she's not an attorney. In essence I believe I was fighting against the _____ who was a good attorney. Judith Rich has accused me of saying in her report stating that I was tape recording her, which at our first meeting she gave me the permission to do so. When I called her on the phone, she was upset telling me I was out of my boundaries calling her at home, _____ . Please direct me where assumable conclusions based on allegations by the defendant is perjury and admitted to it on January 27th, 1988 in court, is a basis for performing the duties of a Guardian ad Litem supplied by your office.

I do not wish or _____ to report _____ withdraw in court. I am requesting your assistance in her removal. Your office put her in this position, your office should remove her if she violates Alaska Statutes. My _____ in changing Guardian ad Litem in this case. I wanted to touch base on Alaska Statute 25.20.130 Access to Records of the Child. The parent who is not granted custody under Alaska Statute 25.20.060 or 25.20.130, has the same access to medical, dental, school and other records of the child as the custodial parent. DFYS refused my access. Giving Finley, who is my son's counselor..periodically, has been refusing my access. Well, she talked to her attorney. Her attorney said...you only talk to this attorney. I have been told countless numbers of times, to talk to my attorney. This whole process is set up for the attorneys. I'm not an attorney. And it doesn't take an attorney to understand this. And it shouldn't take an attorney to get people to obey State Laws. All those pictures behind you, those people made the laws for us. I...I..I'm pissed. When I think about it I get pissed. I get home and then I go back and I research and I read. This position of refusing me access to his files. I hope that we have a family commission. I'm going to work for the family commission. For that. And...I support the Alaska Family Support Group, and I'm a

voice in our community and I give Steve Strube (ph), about 30 names a month of individuals that are concerned. Thank you for your time.

WALT FURNESS:

Thank you for sharing your testimony.

You have anyone else at this time? Tom?

No, we don't. They're gone.