

March 17, 2023

Alaska State Legislature  
Senate Committee on Health and Social Services

RE: Invited Supplemental Testimony and Supporting Exhibits re Confirmation of Ms. Kim Kovol as Commissioner of Family and Community Services

Dear Chair Wilson and Senate HSS Committee Members:

Pursuant to your invitation at the conclusion of my brief public testimony on March 14, I am submitting the following supplemental testimony (along with supporting exhibits), to be included in the legislative record regarding Ms. Kovol's pending confirmation proceeding. After you've had an opportunity to evaluate these comments and exhibits, it would seem most appropriate to reconsider your recommendation in a public hearing with a full panel present.

For Sen. Kaufman and Sen. Tobin who were absent on the 14th, an important theme of my initial testimony was this: Actions speak louder than words. During those few minutes I cited to several actions arising under the leadership of Ms. Kovol as Acting Commissioner, which raise substantial doubt she is the right person for this most difficult job.

It was shocking that after bringing these issues to the forefront no one asked me and then Ms. Kovol any relevant follow-up questions. Based on your silence and ultimate vote, perhaps some of you were in denial, thinking I was just making this stuff up. Or perhaps some of you lacked courage, thinking to challenge Ms. Kovol might upset your caucus and/or jeopardize your political standing.

For those in the former category, I spoke afterwards with Chair Wilson who confirmed his familiarity and concern with the tragic situation involving "AK Mom" that I've written about twice in Must Read Alaska. I asked him, why should the burden fall on me to bring these issues up? Chair Wilson responded that it's "in litigation". My challenge to Chair Wilson is this: How much longer will his Committee put up with having Alaska families put at risk from dark forces within the Protected Empire who shield their bully tactics under the cloak of litigation? How much more trauma needs to be inflicted on our children?

Another important theme of my testimony was that most ordinary Alaskans fear retribution from speaking up about the OCS. I signaled this approach on the Committee's witness sign in sheet by writing I was there for "those afraid to speak up"; this falls under the umbrella of my mission under Proverbs 31:8.

You heard during my brief testimony how in researching and writing about AK Mom, my sources not only spoke to me on the condition of anonymity, but they even expressed fear of saying things that could be traced back to them. The importance of this fear factor can't be over-emphasized. Corruption on the scale of what exists today in OCS can only be uncovered and identified through an investigation by an independent special grand jury advised by a completely independent special counsel.

I would not be surprised if at the next hearing 100 people, many of them "distinguished" or "well credentialed", show up to testify in support of Ms. Kovol. That's to be expected when you control the purse strings to a \$450 million dollar budget. Governor Dunleavy praised her back on June 29, 2022, for

her “dedication and commitment to assisting Alaskan families” but her actions since then certainly don’t support his opinion. Shouldn’t you be asking AK Mom’s children “George” or “Karen” what they think? They’re the ones with the real skin in the game. George has been trying to get home to his mother for two years and is extremely lucky not to be a victim of trafficking in the process.

AK Mom and her children are not alone. Throughout Alaska there are scores of similar tragedies begging to be told. Only an independent grand jury, which has the power to interview victims in a confidential setting, issue subpoenas, and grant immunity can get to the bottom of the morass which Ms. Kovol currently oversees as Acting Commissioner.

Don’t get me wrong – I’m not saying Ms. Kovol is corrupt, but as our elected representatives it is your responsibility to learn the truth behind the actions occurring under her leadership. When she testified on the 14<sup>th</sup> about understanding the difficulties in raising her autistic children she came across as genuine. She should also understand how much more difficult it is to raise autistic children that are also born with fetal alcohol syndrome. Why is she putting AK Mom through hell instead of helping her in the ways she knows she can?

Could it be that Ms. Kovol’s intentions are sincere, but she is powerless to effect the change that is absolutely necessary? The situation of former Rep. Tammie Wilson comes to mind. If Ms. Kovol is going to be powerless and quietly succumb to forces that look to “mine” our children for financial gain, then she is the wrong person for the job.

Below is an overview of the evidence that I tried to get you to consider during my testimony on the 14<sup>th</sup> and am submitting to support my supplemental testimony. Please post all of it to the legislative record and then review each exhibit carefully:

Exhibit A - A human tragedy caused by OCS, published February 18, 2023, in Must Read Alaska:

This article outlines how in April of 2021, the OCS broke up AK Mom’s happy family and took her 5 children away under claims of “medical abuse” while Dr. Barbara Knox was running Alaska CARES. All five children were born with fetal alcohol syndrome and three of them have been diagnosed as autistic.

AK Mom is a “can-do” woman -- a registered nurse who adopted each of these children as infants and gave them a loving, caring home. The last two years has been a living hell for them which daily adds to their trauma. The OCS quickly split up the siblings from one another, further magnifying this trauma. The kids have been moved an aggregate 58 times and counting, bouncing from hospitals to group homes to private homes to motel rooms under the care of a “transport company.”

Exhibit B - George is still at peril due to OCS, published March 3, 2023, in Must Read Alaska:

George, AK Mom’s second oldest child and diagnosed with autism, was placed into a new foster home in December 2022, after Ms. Kovol had been Acting Commissioner for almost half a year. These new foster parents simply weren’t qualified or trained to understand George’s specialized needs. Trying to impose traditional methods of discipline on him, the new foster parents unwittingly did exactly the wrong thing. George reacted by leaving the house in sub-freezing weather, walking 10 miles in the dark before finding his loving and caring mother in a store. The foster parents weren’t to blame, only OCS, for putting George and the foster parents in a situation that had failure written all over it.

Exhibit C - Amended Class Action Complaint filed against OCS on July 15, 2022:

This 95-page amended complaint was filed in federal district court in Alaska last summer after Ms. Kovol became Acting Commissioner. AK Mom's five children are some of the named parties in the suit. Paragraph 4 of the complaint alleges, inter alia, that OCS has long failed the children of Alaska including, "child placement instability threatening to increase behavioral issues for children who have already faced a traumatic removal from their parents."

No monetary damages are requested by the plaintiffs. The primary relief is a court order enjoining OCS from subjecting our children to practices that violate their constitutional rights. Ms. Kovol's reaction to this lawsuit on behalf of Alaska's children? On August 26, 2022, OCS filed a 71-page motion to dismiss the complaint. This decision needs to be fully explained by her in response to pointed questioning by you, before Ms. Kovol can advance. Alaska's children and families are depending on you to do your job.

Exhibit D - Complaint filed against Providence, Knox, and Skinner on July 8, 2022:

This complaint was also filed in federal district court in Alaska last summer. During my public testimony on March 14, I hoped Chair Wilson would give me additional time to address its contents for at least a few reasons: 1) the allegations help support my concerns that OCS's conduct against AK Mom is widespread throughout Alaska; and 2) it's noteworthy that the lawsuit avoids naming the OCS, aka "the Protected Empire", as a party yet contains several allegations establishing a close nexus between the State, OCS and the named defendants.

Getting tangled up in a lawsuit with OCS and their army of lawyers and paid "expert" witnesses is an expensive proposition that most Alaskans can't afford. For example, AK Mom has been drained of her life savings trying to get her kids back and has to resort to sources like GoFundMe.com for survival while the Court System allows the OCS to string her out. Obviously, OCS knows how the game is played and is a part of their bullying strategy. They have unlimited resources because you keep feeding them.

But perhaps the most noteworthy aspect of this complaint can be found in paragraph 104 which alleges that in a one-year period ending in June 2021, the State provided "at least \$4,240,685.22 in grants" to Alaska CARES. This paragraph points to what may be the root cause of OCS' tyranny against Alaska families – money. Lots of it. Foster care has become big business in Alaska.

Your former colleague Rep. Tammie Wilson was pretty clear about this back in 2016. Below are some of her quotes on the issue:

1. "Poor parents are often targeted to lose their children because they do not have the means to hire lawyers and fight the system."
2. "Parents are victimized by the system that makes a profit for holding children and bonuses for not returning the children."
3. "The separation of families is growing as a business because local governments have grown accustomed to having federal dollars to balance their ever-expanding budgets."

But AK Mom's story together with the Providence lawsuit takes Ms. Wilson's concerns to an entirely new and more dangerous level – what are the motivations of the providers in the system to profit? How far will they go to protect and expand those profits?

Third party motivations to separate AK Mom's from her children is a disturbing question that can only be properly investigated by an independent grand jury advised by an independent special counsel. In 2020 a provider reported to OCS that AK Mom had committed "mental injury" and "physical abuse" against all 5 of her children. Fortuitously, a licensed social worker with OCS who understood the symptoms of fetal alcohol syndrome and autism was assigned to investigate the allegations. The social worker found that each of the 10 allegations were not substantiated. That should be alarming to you.

You should be very concerned that AK Mom's family was broken up by OCS shortly after she notified a powerful and politically connected provider that she was considering taking her kids elsewhere. Even worse, the OCS did this behind the back of their own licensed social worker. Was the potential loss of revenue to a provider the driving force behind the senseless breakup of a previously happy and healthy Alaska family?

#### Exhibit E - Court orders in Garber requested Anchorage Grand Jury investigation.

For months during 2022, Thomas Garber, a former victim of OCS abuse, approached Third District Presiding Judge William Morris on a regular basis requesting that he empanel a grand jury to investigate the OCS. On October 6, 2022, Judge Morris finally relented and gave Mr. Garber a grand jury case number and scheduled a hearing for October 13. On the 13<sup>th</sup>, a crowd of Garber's supporters packed the courtroom as Garber provided a binder of evidence to Morris and answered the judge's questions. However, instead of convening a grand jury Morris inexplicably continued the hearing to December 14, 2022.

The continued hearing never happened. On December 1, Judge Morse vacated the hearing because of the issuance of Supreme Court Order 1993. Another grand jury investigation in the parlance of former Rep. Wilson had been "hijacked".

Ms. Kovol's knowledge and/or role in suppressing Garber's grand jury investigation into the OCS must be thoroughly scrutinized.

#### **OCS Victims Trafficked?**

This past week the House Judiciary Committee ("HJC") has focused on Human and Sex Trafficking. It's an important issue that pre-empted all other pending matters pending in the HJC this entire week. On Monday I attended the Committee's hearing at which State officials testified and guided the Committee through various PowerPoint presentations.

One statistic I didn't see in their materials was the number of human and sex trafficking victims that are put in vulnerable positions because of OCS. It's a difficult question that must be asked and answered.

I'm concerned the answer is many. Taken from homes where they're loved, often in village locations, and placed into new areas where they're unknown and unloved, foster kids must be considered easy prey by traffickers and targeted on a routine basis.

A related concern is how many children taken from their families are being sexually abused by their foster parents? A 2017 Ombudsman Report discussed a case where the OCS ignored repeated warnings about a child in custody and that child was eventually sexually abused by her foster father. The Ombudsman used unusually harsh language, calling OSC conduct "insidious". Concerned citizens in Kenai reading this report tried to get a grand jury investigation into this situation but were repeatedly rebuffed by the

Department of Law. This leads to an important question – does the Attorney General’s office have more control over OCS than the Commissioner? Are they the ones calling the shots at OCS or is it the Governor?

That is a critical question that Ms. Kovol may be afraid to answer truthfully for fear of her job. Consider again what happened to the once outspoken Rep. Wilson whose voice and authority appears to have been muffled within the Dunleavy administration. Your Committee should take it upon yourselves to ensure that a grand jury investigation, with a sufficient budget to hire independent council and investigators, is a priority. The well-being of our children and families is at stake.

These two concerns converge in the case of Katelynn Shelhamer, who was murdered in Anchorage on June 8, 2021. Sources have brought her death to my attention, saying that Katelynn was in OCS custody before her murder and was being sex trafficked during that time. I clearly don’t have the resources or the power to verify, let alone investigate this concern – only an independent, special grand jury can do so properly.

When I think about George and his brother Lawrence and the perilous situations OCS has placed them in multiple times, it can only be by the grace of God that they have not been trafficked. Ms. Kovol is ultimately responsible for their safety. I hope you will reconsider the question if she is the right person for the job. Furthermore, by virtue of her testimony she is well aware of all the additional trauma these kids are being put through on a daily basis. Yet she does nothing about it.

Ms. Kovol has the power to pick up the phone and return these kids to their mother immediately. Yet instead she has demonstrated a willingness to expose them to additional trauma and potential trafficking for reasons that may ultimately be for OCS’s political and financial gain.

**Recommendations:**

My understanding is that Ms. Kovol’s ultimate confirmation may be a month off. She has the time and the ability to help her prospects by taking the suggested actions in the following matters:

1. AK Mom: Immediately reuniting the 5 kids with their mother and pledging that OCS will help them rather than hinder them. Making sure the family is provided with appropriate resources to overcome all the trauma they’ve experienced the past 2 years. Making sure that AK Mom is fully compensated for the life savings she had to spend trying to get her kids back.
2. Federal Class Action: Immediate withdrawal of the State’s motion to dismiss. Agreeing to cooperate with the plaintiffs to resolve these outstanding issues that have plagued Alaska’s kids.
3. Grand Jury Investigations: Agree to support and fully cooperate with independent grand jury investigations into the following areas:
  - a. Financial incentives of OCS and providers.
  - b. OCS’s role in supplying victims for human and sex trafficking.
  - c. Identifying other cases similar to AK Mom’s where families need immediate help.
  - d. Influence of the Attorney General’s office and the Judiciary in hijacking investigations.
  - e. Review of recommendations by the Citizen’s Review Panel.

Thank you for your consideration,

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