

SB

323

Alaska State Legislature

SENATOR
MIKE MILLER

P.O. Box 55004
Nashville, Alaska 99705
(907) 488-1500

Senate District 12

State Capitol
Juneau, Alaska
99801-1182
(907) 463-4979

Senate

SENATE BILL 323

Requiring DFYS to videotape interviews with minors

Senate Bill 323 requires the State Division of Family & Youth Services (DFYS - housed within the Department of Health & Social Services) to videotape initial interviews with children who are alleged to have been abused through reports made to the Division. This measure is aimed at strengthening the process social workers use to conduct investigations into reports of abuse or suspected abuse.

Currently, when the DFYS receives a report, an initial interview is conducted to determine whether further action is necessary in the interest of the child who is alleged to have been abused. This is done privately and the official record of the interview is derived from notes taken by the case worker. This record, and similar records taken from subsequent interviews, are extremely important in that they provide the basis for serious action including police involvement and the state taking custody of a child if deemed necessary.

These investigations into reports of abuse and neglect are subjective in nature and at times lead to unwarranted action that can have severe and lasting impacts on families. No matter what the level of dedication and professionalism of social workers, improper judgement is as much a reality as the correct and proper assessments of situations of abuse or neglect. The state has emphasized the importance of responding to child abuse to protect the well being of children and to ensure the most stable and supportive environment possible for growth, nurturing and development.

In many cases removal from the home is absolutely necessary and, without question, the most appropriate action. However, it is equally important to ensure that when such action is inappropriate it does not take place. In both cases, it is the well being of the child that is the priority.

There can be no more accurate record of the substance of an interview than the actual interview itself which would be obtained through a video tape recording as required by Senate Bill 323. It will provide factual, objective information when a review of an interview is necessary to back up actions taken by DFYS. Conversely, it will verify for a case worker's supervisor or for a court those unfortunate circumstances when the state's action subsequent to an interview is not appropriate.

SB 323 is not intended to hinder the efforts of DFYS toward stopping child abuse. It is intended to provide an accurate record of the interviews conducted so that subsequent appropriate action can be verified and inappropriate action can be reversed. Thank you for your consideration of Senate Bill 323.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 323

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act Requiring Interviews of Children BRU: Family & Youth Services
Allegedly Abused or Neglected to be Videotaped Component: Southcentral Region
 Sponsor: Senator Miller
 Requestor: Senate (HES) COMPONENT SERIAL NO. 0254

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	850.2	872.9	898.5	923.7	952.1	980.9
TRAVEL						
CONTRACTUAL	26.8	26.8	26.8	26.8	26.8	26.8
SUPPLIES	33.0	57.7	61.0	63.9	67.2	70.5
EQUIPMENT	173.3		2.5	2.5	5.0	5.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1,083.3	957.4	988.8	1,016.9	1,051.1	1,083.2

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,083.3	957.4	988.8	1,016.9	1,051.1	1,083.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1,083.3	957.4	988.8	1,016.9	1,051.1	1,083.2

POSITIONS:

FULL - TIME	21	21	21	21	21	21
PART - TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill would require that all interviews with children alleged to have been abused or neglected be videotaped. DFYS would need to purchase video camera's for every field office, multiple cameras for larger offices where generally several interviews are occurring at the same time; for example, Anchorage may have four to six interviews proceeding at the same time. Staff would need to operate the camera's, there are not sufficient staff as it is to provide existing services. DFYS envisions hiring Social Service Associate III's to accompany social workers and operate the camera's.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing*
 Division: Division of Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe *Margaret R. Lowe*
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/18/94
 Date: 2-22-94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 323

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act Requiring Interviews of Children BRU: Family & Youth Services
Allegedly Abused or Neglected to be Videotaped Component: Northern Region
 Sponsor: Senator Miller
 Requestor: Senate (HES) COMPONENT SERIAL NO. 0255

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	658.3	675.9	703.0	722.5	745.4	767.8
TRAVEL						
CONTRACTUAL	20.4	20.4	20.4	20.4	20.4	20.4
SUPPLIES	28.0	29.2	30.4	31.6	32.8	34.0
EQUIPMENT	132.0		1.3	1.3	2.5	2.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	838.7	725.5	755.1	775.8	801.1	824.7

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	838.7	725.5	755.1	775.8	801.1	824.7
1006 GF/Program Receipts						
1008 GF/MHTIA						
Other						
TOTAL	838.7	725.5	755.1	775.8	801.1	824.7

POSITIONS:

FULL-TIME	16	16	16	16	16	16
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill would require that all interviews with children alleged to have been abused or neglected be videotaped. DFYS would need to purchase video camera's for every field office, multiple cameras for larger offices where generally several interviews are occurring at the same time; for example, Anchorage may have four to six interviews proceeding at the same time. Staff would need to operate the camera's, there are not sufficient staff as it is to provide existing services. DFYS envisions hiring Social Service Associate III's to accompany social workers and operate the camera's.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing*
 Division: Division Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe *Margaret R. Lowe*
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/18/94
 Date: 2-22-94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB323

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act Requiring Interviews of Children BRU: Family & Youth Services
Allegedly Abused or Neglected to be Videotaped Component: Southeastern Region
 Sponsor: Senator Miller
 Requestor: Senate (HES) COMPONENT SERIAL NO. 0258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	364.4	374.1	385.1	395.9	408.1	420.4
TRAVEL						
CONTRACTUAL	11.5	11.5	11.5	11.5	11.5	11.5
SUPPLIES	5.0	14.5	15.0	15.5	16.0	16.5
EQUIPMENT	74.3			1.3	2.5	2.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	455.1	400.1	411.6	424.2	438.1	450.9

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	455.1	400.1	411.6	424.2	438.1	450.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	455.1	400.1	411.6	424.2	438.1	450.9

POSITIONS:

FULL-TIME	9	9	9	9	9	9
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill would require that all interviews with children alleged to have been abused or neglected be videotaped. DFYS would need to purchase video camera's for every field office, multiple cameras for larger offices where generally several interviews are occurring at the same time; for example, Anchorage may have four to six interviews proceeding at the same time. Staff would need to operate the camera's, there are not sufficient staff as it is to provide existing services. DFYS envisions hiring Social Service Associate III's to accompany social workers and operate the camera's.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing*
 Division: Division of Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe *Margaret R. Lowe*
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/18/94
 Date: 2-22-94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FAIRBANKS

Daily News - Miner

"Independent in All Things . . . Neutral in None"

Established in 1903

CHARLES L. GRAY
Publisher Emeritus

PAUL J. MASON
Publisher

SUE MATTHEW
Managing Editor

JACK KNEFCE
Asst. Managing Editor

SAM BISHOP
Editorial Page Editor

Tape the child abuse interviews

The ability to take abused children from their homes constitutes one of the most important yet intrusive powers we citizens have granted our governments. We should make every effort to make sure that when it's done, it's done right.

Two Fairbanks legislators have introduced legislation that would advance that goal. Sen. Mike Miller and Rep. Jeannette James, Republicans from North Pole, want to require the state Division of Family and Youth Services to videotape the interviews it conducts with children who the agency suspects have been abused.

The division opposes the bills, HB 350 and SB 323, saying they would cost millions to implement. A representative claims the agency would have to hire 16 more people just in the Interior to handle the videotaping. Overstatement is a kind word for this kind of reaction.

The rule would force the division to take children from schools and homes to a central office for the interviews, intimidating and potentially embarrassing them, the representative said. That again seems to be an overreaction. Video cameras are so portable and inconspicuous these days, and children are so familiar with them, that the interviews could be conducted virtually wherever the child is found.

Storage of the tapes could also pose a problem, the agency claimed. So transfer the video to CDs, which take far less space.

In fact it's surprising the agency does not create at least an audio tape of each interview already. Such a tape would provide the decision makers in such situations—judges and juries—with an irrefutable record of the interview.

That should build trust in the system, which we obviously need. Right now in Fairbanks, we have a citizen's group bashing division employees for being overzealous and twisting the facts in these cases. They foster suspicions that social workers ask leading questions, stimulate the imaginations of the young minds and exploit the children's natural desire to give the "right" answer. Well-meaning social workers might also fall for a vengeful child's fantasy, they note.

Division employees, as trained professionals, are understandably appalled at such accusations. So if they believe they are in the right, they should welcome this bill as an opportunity to strengthen their position, a way to tell the critics to put up or shut up.

The video rule also should give parents more confidence that the system is treating them fairly. They will know that the basic building blocks of the state's case will not have been sifted through the written notes and recollections of a social worker bent on bagging an abuser.



Another Devastating
Hot-Air Strike.

Laws seeking ac erode buying po

When completing every detail of paperwork, including full graphic displays on the latest word processor printout, becomes more important, absorbs more time, talent and treasure than solving the problem for which the program was created, then the lawmaking field has failed.

For example, let's assume that a real need has been identified, that the intent of the lawmakers to meet that need is clear, that funding is adequate—yet, if the focus is upon procedures rather than results, the program is likely to come up short of expectations.

Perhaps there are so many conditions or restraints in place limiting performance that the agent for doing what needs to be done is constrained, at times even blocked, from taking appropriate action. Is the harness too cumbersome for the action to flow?

Instances of this seem to abound at all levels of government. Why? Our system of governance was not designed to produce poor results for the money spent.

Let's say that \$1 million has been appropriated for the year-long maintenance and upkeep of a major public facility. It is in reasonably sound condition, no roof to replace, no heating or ventilating system to overhaul, no access arrangements for handicapped people to be added, no critical major renovation—just day-to-day maintenance that will keep the facility functional serving the millions assigned to it.

Changing a light proposition if the than bulb-changing keep on passing name of "conditions of compliance"



Willis
Wo

come greater than the hired to do the maintenance. Changing a light bulb comes an expensive proposition there is more paper-handling than bulb-changing. Then, that lawmakers keep highly detailed legal the name of "conditions of compliance." Here are more locks that add to the burden many "worker watchers" maintenance may not get the paperwork does. Y budget ax falls, the maintenance deferred. The \$1 million legally spent, but not maintenance tasks originated.

FEBRUARY 4TH 1994

SENATOR MIKE MILLER;

HB350

I AM WRITING WITH GREAT CONCERNS THAT THE FULL EFFECT OF PASSING HB350 ARE NOT BEING REALIZED ! THIS CAN HELP US ALL FULL CIRCLE ... INCLUDING IT'S OWN FUNDING BY AUTOMATIC LESSENING OF THE REPORTS... Alaska leads the U.S. by 60% in child abuse rate BECAUSE WE DO NOT DEAL WITH FALSE ALLEGATIONS! (PER, D.F.Y., SOCIAL WORKERS DO NOT EVEN LEARN ABOUT THIS) THUS CREATING A VEHICLE OR TOOL FOR THOSE TO USE TO DESTROY THE LIVES OF INNOCENT FAMILIES. ARE WE PROUD TO LEAD THIS IN OUR COUNTRY? THE FUNDING THAT IS GOING FOR THIS NOW, COULD BE USED FOR TRAINING SOCIAL WORKERS TO LEARN HOW TO RECOGNIZE..DEAL WITH...AND TO HOLD ACCOUNTABLE, THE PERSON(S) MAKING FALSE ALLEGATIONS OF CHILD ABUSE (FED. PL100-294 / OR STATES IGNORING THESE LAWS PL96-272)WHICH ADDRESSES ("FALSE ALLEGATIONS OF ABUSES OR NEGLECT ON JUVENILES") THE REALITY IS THAT WE ARE OVERDUE... FOR THIS CHANGE! THERE ARE (STATE-VS.-PERRONE WASH. STATE 1993, SUED C.P.S.) STATES WHERE THE SOCIAL WORKERS ARE BEING SUED FOR THE DIRECT EFFECT, THAT THE DECISIONS THAT ARE BEING MADE ON ONES FAMILY, HAS ON THIER LIVES... AND A FALSE ALLEGATION IS A SERIOUS ALLEGATION TO THE CHARACTER OF ANY INNOCENT PERSON. THERE IS NO ANY ONE WAY THAT THIS IS HANDLED IN OUR COURTS, DFYS, SHELTERS OR FOSTERCARE PROGRAMS. NO ONE HAS OR GIVES THE TIME TO LISTEN, OR TO WORK WITH THE FACT THAT KIDS LIE !!!!! AS DO THE PEOPLE I HAVE DEALT WITH THRU THE ENTIRE SYSTEM ! DO WE WANT TO SEE "ACCOUNTABILITY" FOR ALL OR FOR THOSE WHOSE LIVES ARE BEING DESTROYED... JUST TO DEAL WITH A DYSFUNCTIONAL SYSTEM..? THERE IS NO GOING BACK ONCE YOU'VE WRONGED SOMEONE ...OR AN ENTIRE FAMILY. I AM TRYING TO JUSTIFY ... WHY ARE WE AFRAID TO PROTECT THE FOUNDATION OF OUR STATE... THE PEOPLE, ...OUR FAMILIES. I CAN ASSURE YOU THAT WE HAVE ENOUGH FAMILIES CRYING OUT TO YOU THAT WOULD VOLUNTEER TO HELP PUT THIS SYSTEM INTO PLACE SO THAT THIS COULD NEVER HAPPEN AGAIN IN OUR SYSTEM.

AT A JUVENILE MEETING OF A "CHILD IN NEED " I OBSERVED 8 STATE EMPLOYEES TO DECIDE WHERE THE CHILD WOULD SPEND CHRISTMAS... WITH THE "SPECIALIZED-FOSTERCARE PARENTS OR MOM... AT THE RATE THESE PEOPLE WERE PAID, ALONG WITH THE TIME TAKEN TO DECIDE WHAT???.? WELL THERE WAS A "TOP OF THE LINE VIDEO RECORDER" IN WASTED MEETING \$\$\$\$ THESE AGENCIES NEED AUDITED...! IN THE D.F.Y.S. REGULATIONS IT STATES AMIDST THE INTERVIEW... "NOW TURN ON THE RECORDER"... WE HAVE REPORTS BEING WRITTEN AS AFTER THOUGHTS DUE TO LACK OF TIME FOR SOCIAL WORKERS HAVE TO SPEND ON A CASE... WHO LOOSES???.? THE KIDS, PARENTS AND THE FAMILY UNIT. THERE IS A TRUE FEAR OF "ACCOUNTABILITY" FROM THE AGENCIES...TO THOSE WHO GOVERN THOSE AGENCIES, TO THE REPORTERS THEMSELVES. (and everything in between) THIS IS A BEGINNING STEP IN A CHANGE THAT IS HAPPENING EVERYWHERE, IT IS IN EPIDEMIC PROPORTIONS NATIONWIDE. PLEASE ADDRESS THIS ISSUE WITH FULL FORCE TO PASS IT THRU. I WOULD LIKE TO RECOMMEND A STATEWIDE TELECONFERENCE THAT WOULD BE FOR PUBLIC COMMENT, A.S.A.P., AS WE WOULD SHOW ONCE AGAIN THE (RE; FAMILY REVIEW TASK FORCE WHICH ADDRESSED HUNDREDS OF CASES AS EXAMPLES OF WRONGS BY THE SYSTEM.) THESE ARE REAL PEOPLE... WITH REAL FEARS OF THE POWER OF A SYSTEM ..."THAT IS BROKEN" ! For 10 years Alaskans have cried-out-ignored!!! FALSE ALLEGATIONS = \$\$\$\$\$\$ OPEN CASES = \$\$\$\$\$\$ MATCHING GRANTS!!!! THIS CAN BE REFERED TO IN REDUNDANT CASES AS "DOUBLE DIPPING"

IT SEEMS THAT COUPLED WITH HB314, THE RICO BILL, HUSH RUSH, THEY JUST WANT US TO SHUT-UP AND GO AWAY... WHICH FUELS MY FIRE TO WANT CHANGE !!!

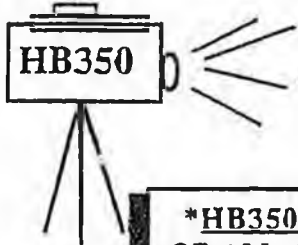
THE LESS WE SPEND ON DESTROYING FAMILIES, WE COULD EDUCATE OUR SYSTEM TO DEAL WITH THIS. LET THE PENDULUM SWING FULL CIRCLE AS NO ONE INCLUDED FALSE ALLEGATIONS, THUS LEAVING OUT THE LARGER PART OF AN ABUSED SYSTEM WHICH SET OUT "FOR THE PEOPLE". BUT AS ALWAYS... PEOPLE ABUSE ITS REAL INTENT, FROM WITHIN AND FROM WITHOUT... !!!

SINCERELY

JODI DELANEY

488-1931

P.O. BOX 56873 North Pole, Ak. 99705 (home address)



SENATOR MIKE MILLEK
REPRESENTATIVE JANET JAMES
REPRESENTATIVE GENE THERRIAULT

***HB350 MANDATORY VIDEO RECORDING
OF ALL ALLEGATIONS OF CHILD ABUSE, SEXUAL
ABUSE OF A MINOR, OR NEGLECT. (this would
include any and all interviews, including the
report of harm)**

To omit intimidating interviews! With hidden cameras, many such rooms already exist, thus saying this system is in reality... in place in most areas this can be a shared facility to hold interviews, where they are doing this now!

*** ACCOUNTABILITY ***

TO LESSEN SYSTEM ABUSE
CUTBACK / FALSE ALLEGATIONS
PROTECT FAMILIES / AGENCIES
EDUCATE SOCIAL WORKERS (W/ \$\$ SAVED ABOVE)

KEEPING FAMILIES TOGETHER
WORKING WITH FAMILIES
HARD COPY BACKUPS / REPORTS OF ALL INTERVIEWS
BACKGROUND CHECKS / S. WORKERS
BACKGROUND CHECKS / FOSTERCARE PROVIDERS
LOOSEN CONFIDENTIALITY / PARENTAL ACCESS
1ST STEP TOWARDS OUR FAILING SYSTEM
RESTITUTION TO FAMILIES
(HOW DO YOU TAKE IT ALL BACK...?)
REVERSE (highly abused) IMMUNITY TO REPORTERS
LIMIT THE # AGENCIES INVOLVED / REDUNDANT \$\$\$
(I.E.; DFYS CONTRACTING A CHILD IN NEED TO ANOTHER AGENCY
+ COUNSELORS, + G.A.L., MULTIPLE MIDDLE MAN \$\$) most often
omitting the family of the child in need...!

THIS WILL ENFORCE ACCOUNTABILITY TO ALL... THUS PROTECTING
FAMILIES, SOCIAL WORKERS, FOSTER CARE PROVIDERS, CHILDREN, THE
SYSTEM WILL BE ABLE TO TRAIN TO RECOGNIZE A PART THAT
MUST HAVE BEEN AN OVERSIGHT
"FALSE REPORTING"

***ACCOUNTABILITY SEEMS TO SCARE THE SYSTEM
I GUESS THAT SPEAKS FOR ITSELF!
THUS JUSTIFYING OUR REASONS FOR ...**

CONCERNED PARENTS ^{FOR} REFORM
P.O. BOX 56054 , North Pole, AK. 99705-1054
488-1931 / 488-9323 / 488-7511

ALLIANCE OF ALASKA

CONCERNED PARENTS FOR REFORM
FAIRBANKS/NORTH POLE/INTERIOR
P.O. BOX 56054
NORTH POLE, ALASKA 99705-1054
ATTN; V. P. Jodi Delaney
(907 488-1931 / 488-9328/ 488-7511)

*HAINES
*WRANGLE
*BETTLES
*JUNEAU

**please send us any groups that you
know of to continue our network. If
we can all support the same items
There is power in numbers*

**FAMILIES FOR THE REFORM OF
SOCIAL SERVICES**

(907 -852-6047/852-5527)
BARROW, ALASKA
President; Reginald Bright

CONCERNED PARENTS FOR REFORM
ANCHORAGE
3740 BONIFACE PARKWAY #2
ANCHORAGE, ALASKA 99504
(907 337-6508)
*Jackie Lythgo

VICTIMS OF THE STATE HOMER
5023 Meadow Dr. Homer, Ak.
99603,
Walley, Linda Guthler
(former V.O.S./Valdez)

**ALASKA FAMILY SUPPORT
GROUP, INC.**
P.O. BOX 111691
ANCH., ALASKA 99511-1691
(907 344 -7707 / 274-7358)
PRESIDENT; JIM ARNESEN

P.A.C.T.
PARENTS AND CHILDREN TOGETHER
1070 BISCAYNE DR.
KEANI, ALASKA 99611
(907 283-9502/ 283-1981
ATTN; RICH DEMELLO / JOHNNY BARR
FAX #262-5403

VICTIMS OF THE STATE/DELTA JCT.
P.O. Box 704
Delta Jct. Ak. 99737-0704
907-895-4805/Geanne Phipps
Gene Ottenstorer, Peter Rynard

CONCERNED PARENTS OF NOME
P.O. Box 820, NOME AK. 99762
907-
Attn: Maggie

BECAUSE WE CARE ENOUGH TO SEEK CHANGE...



A Family Affair

Advocating the Human Rights and Sovereignty of the Family unit

The strength of a Nation lies in the strength of the family

Thomas R Hiser, President . 1931 Eagan Street . Fairbanks, Alaska 99701

AUGUST 27, 1993

Senator Mike Miller
P.O. Box 55094
North Pole, Alaska 99705

Senator Miller;

I'm writing today, in regards to a problem that has seemed to become a serious local issue...that being the unwarranted and unlawfull removal of children from their families, by the Division of Family and Youth Services, here in Fairbanks.

I speak on these issues, because of my first-hand experience with this agency, and the things that I have observed them doing with my wife, and children. I have attached some information with this letter, that I would appreciate if you would review.

There are many things that are nt included in this letter, or information, and I would be more than happy to discuss these things with you, at your convienience. If you could please contact the attorney stated below, and give me a time which would be best for you, I would be greatfull.

Because of the unlawfull actions of DFYS, our children were unlawfully kept from my wife, for a period of a year, and I was arrested, charged with sexual abuse of a minor, and am now serving a 30 year sentence...even though the caseworker, (Cliff Robbins) stated that he coerced false testimony from my children, and my children also told Lynn (my wife) that "they" [the caseworker] made him say things that he knew wasn't right. I have attached an article that I have written, "And Justice for All", with this packet of information. All of the facts therein, are verifiable, and Mr. Robson, Attorney at Law, can discuss these things with you, if you could take a few minutes to please contact him.

This is a serious issue, and seems to be becomming more widespread, every day that I open a newspaper. Ultimately, the children are the ones paying the biggest price for the injustice, and transgressions of the "over-zealous" social workers, and prosecutors who apparently have no concern for "justice", so long as they can get a conviction. I would appreciate it if you could review this material, and please respond in some fashion. I look forward to hearing from you, and thank you for your time and concern in this matter.

Respectfully;

Thomas R. Hiser

Contact Attorney Arthur L Robson, Fairbanks, Alaska ... (907) 457-6983 ... FAX (907) 457-6987

FAIRBANKS DAILY NEWS-MINER

Letters to the Editor

Thursday, August 19, 1993

Victims of the State, Delta Branch

RE: DFYS

FAIRBANKS DAILY NEWS-MINER

Letter to the Editor
Thursday, August 19, 1993

To the Editor;

It has come to the attention of the Victims of the State, Delta Branch, that during a period of time 20 blue-eyed, blond-haired children under the age of 5 were taken from the North Pole area by the Division of Family and Youth Services.

We would like information from parents or friends on the status of these 20 children.

Contact Victims of the State, Delta Branch, 895-4805, or Concerned Parents for Reform, 452-7401.

We would also like to know of any children kidnapped by Health and Social Services, DFYS, for it is illegal for them to seize children under the federal law.

We would like to know how a caseworker aide of Delta Junction can prevent a teen age child from receiving a needed heart operation?

We would like to know why this caseworker and the state have not been charged with willfull neglect of a minor of the State of Alaska?

We again call for a grand jury investigation into the criminal activities of the Department of Health and Social Services, Family and Youth Services Division.

We want to know why the governor's and the state attorney general's offices have not acted on our legal complaints against Health and Social Services, to date?

We call for a grand jury investigation into their handling of the state of Alaska's children and their welfare.

Signed,

Victims of the State-Delta Branch

EMERGING GROUP CRITICAL OF DFYS ACTIONS

Fairbanks Daily News-Miner

Wednesday, July 28, 1993

By: KATIE RIPLEY

Staff Writer

Emerging Group Critical of DFYS Actions

Fairbanks Daily News-Miner

Wednesday, July 28, 1993

By: KATIE RIPLEY

Staff Writer

Out of control. Above the law. Accountable to no one. These are phrases a new parent group uses to describe the state Division of Family and Youth Services, an agency of social workers and counselors that, among other things, tries to protect children from abuse and neglect in the home.

Some members of the group Concerned Parents for Reform go even further when describing perceived problems at the division: "DFYS will steal your children," one member said at a recent meeting in North Pole.

The group, about 15 active members, said the agency has a policy of "take the kids now, investigate later" by presuming the parents are always guilty.

"They're hiding behind confidentiality laws," said Mike Floto of Fairbanks, president of Concerned Parents. He argued that the agency lacks accountability to the public because it can hide behind laws that prohibit discussion of cases.

Many members of the group are parents on the losing end of custody battles. Some claim their children, or their children's school counselors, have filed false sexual or physical abuse reports. Some believe the state wrongfully took their children and placed them in foster care.

Mike Floto, and his wife, Jackie, have been foster parents for the last three years. During that time, they saw caseworkers only a few times. Such workers, who are usually overwhelmed, cannot adequately oversee the foster-care program, they said.

The Flotos said a third party is needed to serve as a liaison between hurt and angry parents and social workers. An external audit of DFYS is needed as well.

Since the group formed in April, it has attracted the attention of Lt. Gov. Jack Coghill, and Health and Social Services Commissioner Ted Mala. Mala, DFYS Director Deborah Wing, and the agency's northern region administrator, Ron Parker, met with the group last week at North Pole City Hall.

Parents presented a slew of allegations, and asked dozens of questions, but few answers came that night. Later, Mala said, his division will listen to concerns but vague accusations won't help.

Any system that is a human system will always have different interpretations of rules and regulations, Mala said. "When you're dealing with a sensitive issue like your children, sometimes its difficult to be objective."

But Mala said he wants a conference in Fairbanks before the summer is over to bring together representatives of his division, the courts, and attorney general's office. Police officers and legislators may also attend, he said. If change within the department is warranted, it likely would become obvious during such a gathering, Mala said.

"Other than the Ten Commandments, everything is subject to change and updating," Mala said.

As far as Pat Obrist-Druck is concerned, the system must change. Obrist-Druck claims Fairbanks Superior Court Judge Niesje Steinkruger this month wrongfully gave custody of her two children to their father, to whom she was never married. The judge allowed the father, who has been regularly unemployed in Fairbanks and supported himself and the children partially on welfare payments, to take the children to California with him to live. The father hopes to find more work there, through his union.

The children, now 9 and 10, lived with Obrist-Druck until October 1991, when the Court awarded the father primary custody. The court made the award after sexual abuse allegations were leveled at Obrist-Druck. The state never filed charges, and Obrist-Druck denies the allegations.

"To this day, I still don't know what I did wrong", she said. "There are no rights for parents. We're trying to explain the truth."

Obrist-Druck said she doesn't have the money to appeal the court's latest custody ruling, and doesn't know where to turn.

Rep. Harley Olberg, R-Delta Junction, said residents of his district seem to have constant run-ins with DFYS.

"The clearest thing that stands out is the kids know how the system works and how to play the game," Olberg said. "False reporting gets them out of the home, or exaggerated reporting, perhaps."

Olberg said he doesn't support creating more laws, but a critical review of existing laws might help.

Tina Barker of Fairbanks said the existing laws are too liberal. "The social worker has total control over the courtroom," Barker said. "Children are taught to use the system. If you can't get what you want, join the system.:

Barker alleges a DFYS social worker encouraged her 12 and 14 year old daughters to run away. The children said Barker abused them, which Barker denies.

The girls currently are in foster care, per a court order. Barker said she has another hearing in October and hopes to get them back.

During the 1992 fiscal year, the latest for which statistics are available, the division received 11,509 reports of harm to children in the home, according to the division's annual report. The number translates into 63 alleged victims per 1,000 children. The national rate is 39 per 1,000.

Of those 11,509 reports the division conducted investigations on 8,466 of them. Social workers substantiated 42 percent of those cases as abuse, neglect, or abandonment, the annual report says.

Less than a third of the children in these substantiated cases are taken away from the parents.

Wing, the statewide DFYS director, said her division over the past 1½ years has shifted its emphasis from intervention to family preservation.

"We're trying to work with the entire family, not just one individual," Wing told Concerned Presents. "Change is not easy."

A child's safety is the division's ultimate goal, Wing said. "We had protection laws in place for animals before we had them for children," she said.

Mala said he wants to keep talking with Concerned Parents and hopes the group recommends specific changes.

"We can't change all the laws for one or two cases," he said. "In an organized society, you're stuck with the law, like it or not."

WHEN PARENTS BECOME VICTIMS

Readers Digest, April 1993

By: TREVOR AMBRISTER

WHEN PARENTS BECOME VICTIMS
Readers Digest, April 1993
By TREVOR AMBISTER

Of all the crimes that afflict society, none is more reviled than child abuse. With 2.7 million allegations of abuse reported in 1991, no one can deny the seriousness of the problem. Yet the war against these heinous crimes should not lead to witch hunts that violate basic legal and civil rights - and tear apart innocent families.

In the Seattle suburb of Bothell, people were flabbergasted to hear that Bill and Kathy Swan had been charged with sexually abusing their three year old daughter. Bill, an electronic engineer, was a devout churchgoer who reveled in his role as a Dad. Kathy, equally religious, was an accomplished musician and spoke 12 languages. But the Swans' background didn't matter, prosecution insisted. This case was proof that anyone could commit child abuse. And when the trial began before Superior Court Judge Anne Ellington in April 1986, it seemed that the prosecutors were right. Lisa Conradi, the day care center worker who triggered the investigation, testified that the Swan child and her best friend had come forward with horrifying tales of sexual molestation by the Swans. Cindi Bratvold, Conradi's boss, said much the same things. Jurors needed less than three hours to convict Bill and Kathy on two counts of statutory rape each. They were sentenced to serve 50 months in prison, while their daughter remained in the custody of the Washington Department of Social and Health Services.

During the trial, however, defense attorneys had been prevented from inquiring about Conradi's background. The prosecution had argued successfully that such information was irrelevant. One month after the verdict, however, Conradi confided in an interview with a free lance writer that she had been abused for more than 20 years. "Damn near everyone that came near her" abused her, Conradi claimed. I was used regularly, daily, by three or four hundred guys, she later said. There are more perverts out there than normal people. Conradi asserted that she did drugs every day, that she hated men, and that on at least 20 occasions she had attempted to turn in sex offenders to authorities. "I went through our neighborhood and every other house had abuse in it." Others stepped forward to challenge

Bratvold's testimony as well. But Judge Ellington appeared to give little weight to the challenges and dismissed Conradi's comments as "typical puffery to a reporter." Moreover, although she had ruled in preliminary hearings that the Swan girl and her friend were incompetent to testify at trial, Judge Ellington allowed statements the girls allegedly volunteered to Conradi and Bratvold - statement corroborated neither by the tape recordings nor contemporaneous notes - into the record as evidence to convict the parents. Thus the jury never heard the two girls tell their story; they only heard Conradi's and Bratvold's version of it. In August 1990, Bill and Kathy Swan entered separate penitentiaries. The DSHS had placed their daughter, then eight, in a foster-home. Neither Kathy nor Bill have been allowed to see her since. To Bill's father, Episcopel minister William O. Swan, and step mother, Marian, this punishment seemed incredibly unjust. They volunteered to take custody of their granddaughter, only to be told, according to Swan, not to bother. In a 1990 meeting, Reverend Swan recalls two DSHS employees implied that he was guilty of child sexual assault himself, because "the acorn falls near the root of the tree." Swan says the caseworkers cited this "known certainty" as the reasons his visits with his granddaughter had to be supervised. But what infuriates the family most was that the five years after the alleged assault on the little girl, no medical authority who was an expert on child sexual abuse had examined her. In December 1990, the Swan child moved to the home of her great aunt, Jane Swan. To gain custody, Jane had promised the DSHS she would never tell the girl that her parents were innocent. That would violate the "case plan" and work against everything the child had learned in therapy. One month later, Jane decided her niece needed a complete physical exam including a gynecological exam. The result: the girl's genitals were perfectly normal, the hymen, a protective membrane whose absence in a young girl usually indicates rape, was present and bore no evidence of scarring or damage. As soon as they found out about the exam, caseworkers removed the child from Jane's custody and warned her, she says, that if she attempted to contact her niece, she would be subject to arrest. But Swan family attorney David Allen called the exam "Important New Evidence" and petitioned Washington's Court of Appeals to grant his clients a new trial. In July 1991, Allen's petition was turned down. "The Courts file in the above matter has been closed", it declared in a letter to Allen. The Swans are not out on work release, and their case will be back in the U.S. Court of Appeals this spring.

After watching a T.V. account of the Swan's ordeal, Charles Nesson, professor of evidence at Harvard Law School, decided it couldn't be true. The show's producers, he thought, must have presented the story unfairly by leaving out crucial evidence against the Swans. Then Nesson looked into the proceedings and changed his mind. The Swan case, he wrote in a friend-of-the-court brief filed with the U.S. Court of Appeals for the Ninth Circuit in San Francisco, is "the most extreme example of erosion of the confrontation clause of which I am aware." In an interview, Nesson explained: "The Constitution says you have a right to confront your accusers, and that means the right to cross-examine them. Here two people were sent to prison, and their little girl taken away, on the basis of pure heresy that was not only uncorroborated but contradicted by evidence."

David and Renee Riegel of Brookville, Ohio, were concerned in October 1990, when their three month old daughter Chelsea, woke with a rash on her face, neck, and shoulders. Pediatrician Richard D. Smith and a colleague determined that it was petechiae, a hemorrhaging of tiny capillaries that can be caused by someone repeatedly shaking a child. "But you've known me for years", Renee protested. "You've treated my other children. How could you even think I'd do such a thing?" At Children's Medical Center in Dayton, doctors subjected Chelsea to a skeletal examination. The test produced a shock: Chelsea had fractured three ribs and maybe a leg. The Riegels were bewildered. Chelsea had never had any accidents or evidenced any pain. Then ophthalmologist William Wentling noticed a bluish tint to the whites of her eyes. That, together with her injuries, he told them was symptomatic of a rare "brittle bone" disease called osteogenesis imperfecta (OI). To Tommy Sampson, a case worker for the Montgomery County Children Services Bureau (CSB), which was contacted by Dr. Smith's office, the evidence was clear. "You slapped your daughter." She told the Riegels on October 22, "She won't be going home with you."

At the CSB's request, Brookville police launched a probe of the family. It turned up nothing. Still, the Riegels remained under suspicion. Finally, in late October, the judge awarded them custody of Chelsea. For the next 11 months, the Riegels tried to find someone who could tell them more about OI. In September 1991, they met with specialist Gary Williams at the Cleveland Clinic. He seemed upset when

X-rays revealed a healing fracture in Chelsea's femur. After conferring with other doctors at the clinic, two days later he called Renee and asked her to explain why she hadn't told him about it. So much had happened to Chelsea, Renee replied, that she'd forgotten to mention it. Still troubled by what seemed to be inconsistencies in her account, Williams thought it best to contact the CSB, which reopened the case and assigned it to social worker Patricia Holcomb. Then, another mother with an OI child suggested Renee take Chelsea to Meinhard Robinow, a specialist in birth defects and genetic disorders. "I am convinced that Chelsea has OI or some closely related connective tissue disease," he wrote to CSB after examining her. The skeletal X rays do not show the abnormalities found in cases of child abuse. Holcomb was apparently unimpressed. The investigation would go on. Another physician also examined Chelsea and informed the CSB he agreed with Robinow. Still, the agency continued to seek evidence of abuse. This is outrageous, thought Deborah C. Schran, the Riegel's attorney. Schram got the CSB to agree that Chelsea would undergo yet another examination by an independent physician. Then the Riegels would submit to psychological evaluations to see if they possessed tendencies of child abusers. If Chelsea had OI and the family passed its test, CSB would drop the case. Also submitted at that point to the CSB worker were three other physician's reports showing that her bones were far more likely to fracture than those of a normal child. Chelsea's exam with the independent physician turned out just as the Riegels expected. "I do not feel this patient is a victim of child abuse." Dr. Michael C. Albert wrote CSB last April 20. "She probably has connective tissue disorder or some mild form of OI." Now it was time for the Riegel's evaluation. But when David and Renee requested an evening or weekend appointment to avoid missing more work, CSB staffer Sonia Jordan became incensed. Meanwhile, at the agency, the word had spread that the Riegels were possibly mentally ill. Psychologist Phyllis Kuehnl's evaluation showed nothing of the kind. "Neither parent appears capable of intentionally inflicting injury on a child." Kuehnl concluded last May. In June, more than 19 months after its "investigation" began, CSB dropped the case. Since then, Chelsea has suffered additional fractures to her arms and legs. Now, almost three years old she weighs just 25 pounds. "Financially, this has devastated us", Renee says. The time lost with our kids, the stress, the financial

burden...none of this should happen to innocent parents. Where are the laws to protect us from social workers who are out to prove guilt no matter what?

In virtually all cases in which allegations of criminal conduct are made, police investigate and make arrests. Yet when the charge is child abuse, social workers call the shots, and the system doesn't hold them accountable. What's worse, once parents are accused, the burden is on them to prove their innocence, unlike in a criminal trial where the burden of proof is on the accusers. Children are often taken away without the parents even having a chance to state their case. "We've reached the point where an accusation is almost tantamount to a conviction," says Dr. Richard A. Gardner, clinical professor of child psychiatry at Columbia University and an expert on child sexual abuse. "Baseless charges are ruining thousands of lives."

In Harvey, Ill., steelworker James Norma earned enough to support his wife, Dorothy, and their two daughters. But in 1987, Dorothy's kidney condition got worse, and Norman gave up full time work, to care for her. That October, Dorothy died and he was told he had a serious heart condition. Norman enrolled in an auto-mechanics class and found part time jobs. But he was soon unable to pay his bills. One day while he was out looking for work, someone phoned a hot line to report that he was failing to supervise his kids, Lynetta and Jamie, then 12 and 10. On August 16, 1988, Illinois Department of Children and Family Services (DCFS) caseworker Sylvia Walker knocked on Norman's door. According to her report, there were "clothes and papers all over the place." Still, Walker acknowledged, the children "appeared to be healthy." Caseworkers often carry "risk assessment" forms. They assign a numerical value to different categories, and even though Norman was at home, Walker made judgements and scribbled numbers on a form. Then she botched some simple addition and wound up with a total indicating much higher risk to the children than she had intended. Before having to justify her decision to anyone, she placed Norman's daughters in foster care that afternoon. The next morning, Norman was charged with neglect. His part time jobs, and vocational education classes kept him away from home too much. Once he found a steady income, and adequate housing, DCFS would consider returning his children. This struck Norman as the classic Catch 22. He needed housing to get his children back. But he didn't qualify for welfare without custody of his kids, so he couldn't get housing. In 1989, Norman asked if attorneys at the Legal Assistance Foundation of Chicago might help him. After hearing his story, Diane Redleaf, director of the

foundations Children Rights Project, filed a class action suit against DVFS, claiming that poverty was insufficient grounds to yank kids from their families. Redleaf also helped Norman get disability benefits he was entitled to because of his heart condition. With that money, he found a new apartment. Then he filed a petition to get his children back. It was scheduled to be heard November 28, 1989. But on November 16, Norman died of a heart attack. He was 38. Today, Lynetta and Jamie are wards of the state.

Under federal law, and in all 50 states, everyone who regularly works with children; teachers, counselors, doctors, nurses, is required to report suspicions of child abuse to local authorities. Suspicion, however, is not fact, and when social workers make mistakes, the people the system is designed to protect - innocent children - often wind up its victims. In court papers, social worker Sylvia Walker admitted that she had made a mistake. "Hundreds of children each week are needlessly removed from families", says New York University law professor Martin Guggenheim. "Some will be more seriously harmed-whether physically or psychologically-than if the state officials had never heard of them.

Everyone agrees that the safety and welfare of our children must be paramount. Still, experts say we can help kids who need protection and prevent families from being torn apart. Some 450,000 children live in foster care. Did they all need to be removed from their homes? Under current law, social workers have an incentive to put children in federally funded foster care programs because the programs that keep families intact don't get anywhere near the same financial support. "The key is to reverse the financial incentives", says Richard Wexler, author of "Wounded Innocents: The Real Victims of the War against Child Abuse. Then, the foster care population will drop dramatically." Why is this crucial? "When you place a child in foster care," New York Assemblywoman Cecil D. Singer says, "you have sentenced him to a dysfunctional life." As a first step, Congress should prohibit caseworkers from removing children from their homes unless there is a clear, compelling threat to their well being. In far too many instances, caseworkers are using therapists to hammer out statements out of bewildered kids, while the police - who are trained to conduct investigations - just go along. That's the tail wagging the dog.

next, Congress should examine the broad category of "neglect" which accounts for 48 percent of all child abuse reports. Because there is no uniform definition, caseworkers and judges are free to interpret it as they wish. This invites abuse. Child protective agencies and their employees should also be held accountable. Confidentiality laws are supposed to protect kids; instead they shield bureaucrats. The immunity from lawsuits that caseworkers enjoy invites systematic abuse. Police can be charged with crimes and hauled into court. Child protective agencies should not be treated differently.

Finally, child abuse cases should never have been removed from the criminal justice system with its constitutional safeguards, including the right to a public trial by jury. Until it is returned there, where there is public scrutiny, and accountability of the actions of the child welfare agencies and judges, there is no remedy for the failures in our present system. The burden of proof should always rest on the state. As Assemblywoman Singer points out, "The law should give at least as much protection to a parent as it does to a criminal".



Alaska State Legislature

Please enter into the record my testimony to the Senate HESS
 committee name
 committee on # 323 , dated 4/13/94
 bill/subject:

Signed: [Signature]
 Testifier
Children of Alaska
 Representing (Optional)
5905 Houghton DR.
 Address
FBIS. AK.

DFYS - VIDEO Bill 323

I have 1st hand experience with DFYS
 My children where taken out of class
 and questioned. The accusation about this
 abuse was not against my wife or myself.
 I feel we should have been notified ^{either} before or
 after such questioning. Instead my children told us at
 school about the noted pictures they were shown and
 asked to identify certain parts. My children were
 upset and confused. Mandatory video would allow
 the parents to see 1st hand what type of
 questions are asked and how ~~their~~ ^{is} child
 asked or treated through this ordeal. Video
 would certainly put to rest any accusations
 people might have as to "where these children
 coached or manipulated in any way by the state."
 I feel the people of the state of ALASKA and the
 children will feel this a small price to ensure
 our childrens rights are not being violated.



AN OCEAN COMPANY



Alaska State Legislature

Please enter into the record my testimony to the Senate
committee name
 committee on SB323, dated 4-13-94
bill/subject

You have 10 Cities (sites) on-line & you
 have Denied all of the people awaiting
 public testimony of how important it
 is that we implement SB323! The
 cost (2.3mil. + 16 emp.) is not factual! You
 All have just turned your backs on
YOUR PEOPLE! Families are our greatest
 Asset. — You have once again shown
 us you are not interested in Accountability
 to your employees, the agencies, parents,
 Kids Hotlines + ect... that creates false
 Reports of Harm! \$2.3 million is wrong!
However cheaper than Litigation!

Signed: _____
 Testifier Jodi Delaney

 Representing (Optional) Concerned Parents for Reform

 Address PO 52054 · NP · AK · 99705



Alaska State Legislature

Please enter into the record my testimony to the Small Hess
 committee name
 committee on SB 323 , dated 04/13/94
 bill/subject

The McMartin case in California, at 7 years and \$15,000,000, was the longest and costliest trial in American history. It ended in the acquittal of Raymond Buckley and his mother, Peggy McMartin Buckley, and the dismissal of charges against five others. But not before Raymond Buckley had spent 5 years and his mother 3 years in the county jail, and their family fortune (est. \$3,000,000) had been exhausted in legal fees.

The small Manhattan Beach Police Dept. felt overwhelmed and unequipped to handle investigating a sexual-abuse case potentially involving hundreds of children. The job was turned over to the nearby Children's Institute International. Social worker Kee MacFarlane, who at the time held only a driver's license in California, conducted hundreds of hours of videotaped counseling sessions with the McMartin children.

These sessions have been criticized by some mental-health professionals as suggestive and leading to an extraordinary degree. Jurors cited the coercive nature of the MacFarlane therapy sessions as the main reason they acquitted the Buckeys.

But the videotapes did two things. Not only did they reveal the coercive nature of these sessions, but also they provide a blueprint for controllers. Had it not been for the tapes, the State would have won the case against the Buckleys. The key to success in winning is to remove the threat videotaping offers and follow the coercive guidelines. Since the McMartin case, child welfare advocates have fought the recording of interviews with minors. I think Alaskan families deserve better than to be reduced to pawns in a controller's self-interested game of power. Is the object to protect children? Or, to provide controllers with millions at their disposal so they can feel good about themselves because they have manipulated a situation designed to "let them win"?

Signed: [Signature]
 Testifier

Boardman of Family Rights
 Representing (Optional)

PO Box 560541, Anchorage, Alaska 99505
 Address

April 14, 1994

Senate HESS Committee
State Capitol
Juneau, Alaska 99801



RE: SB 323

Dear members of the Hess Committee,

As I attempted to testify in person at the Anchorage LIO yesterday and the hearing was postponed, I am submitting this statement in favor of SB 323.

I would like to express our group's full support of SB 323.

We feel this legislation is desperately needed to correct the many problems inherent in the present system.

We have been the recipient of many calls from accused parties that have been denied due process in regards to accusations and are faced with difficulties in defending themselves against a vast bureaucracy tending towards secrecy. The present system is definitely biased against the accused, leaving them very little in the way of defenses to such accusations, and is especially harmful when the accused is innocent.

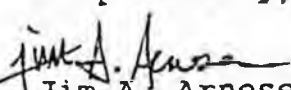
This bill would assist all involved in such actions, so that a proper and just result can be obtained from such investigations. The parties guilty of wrongdoing would face the consequences of their behaviors and the innocent would not be subjected to undue deprivation of their rights and unjust accusations.

We feel this bill is a positive move in the right direction, will balance and curb the offensive tactics of the DFYS and other agencies involved in such matters, and will benefit the parents and children of Alaska.

We urge you to support and pass this legislation.

Thank you.

Respectfully,


Jim A. Arnesen
President

04/15/94
15:24:03

TCN: 40662

PUBLIC HEARING

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (TESTIFIERS ONLY)

SCHEDULED FOR: 04/15/94 13:30 TO 15:30

SENATE HEALTH, EDUCATION & SOCIAL SERVIC

LTN1150
BY: JNU
FOR: DJT

LOCATION: DELTA JCT.

SB 323	MR.	GENE	OTTENSTADT
SB 323	MR.	JEANIE	BUIPES
SB 323	MS.	KRESTI	WASSERMAN
SB 323	MR.	KEITH	WASSERMAN

says taping should not be done by DFYS personnel -- hmmm

VICTIMS OF STATE TESTIFY
GUARDS, FAN, RGTS TESTIFY
TESTIFY
TESTIFY

04/15/94
15:25:45

TCN: 40662

PUBLIC HEARING

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)

SCHEDULED FOR: 04/15/94 13:30 TO 15:30

SENATE HEALTH, EDUCATION & SOCIAL SERVIC

LTN1150
BY: FBX
FOR: FBX

LOCATION: AIRBANKS

SB 323	TIME	BARKER
SB 323	ADRIE	RODGERS
SB 323	PAY	CHRIST BROOK
SB 323	PHOENI	ALBRIDGE
SB 323	JOEY	DEARLY

TESTIFY
TESTIFY
TESTIFY
TESTIFY
TESTIFY

04/15/94 13:59:19 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
MESSAGE FROM: LI0CJ011 IN DELTA JCT.

LTN1120
JNU

RE TCN: 40662 SCHEDULED FOR:04/15/94 13:30 TO 15:30
SPONSOR: SENATE HEALTH, EDUCATION & SOCIAL SERV PURPOSE: PUBLIC HEARING

MESSAGE TEXT: KNOW ANY GOOD JOKES? (CLEAN)

04/15/94
13:42:05

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN: 40662 SCHEDULED FOR: 04/15/94 13:30 TO 15:30
PUBLIC HEARING SENATE HEALTH, EDUCATION & SOCIAL SERVICE

LN1150
BY: HON
FOR: HON

LOCATION: ~~HOMER LTC~~
SB 323

~~MR. WALTER BROTHIER~~

TESTIFY

*Says many workers in DEYS were abused
themselves, packs mental baggage*

04/15/94
13:44:06

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN: 40662 SCHEDULED FOR: 04/15/94 13:30 TO 15:30
PUBLIC HEARING SENATE HEALTH, EDUCATION & SOCIAL SERVICE

LN1150
BY: SOL
FOR: SOL

LOCATION: ~~KEN/SOL~~

SB 323 MR. RICHARD DEMELLO
SB 323 ~~MS. NAOMI HOBSON~~
SB 323 ~~MR. RONALD HOBSON~~

P.A.C.T.
P.A.C.T.
P.A.C.T.
TESTIFY
TESTIFY
TESTIFY

STATE OF ALASKA
THE LEGISLATURE



LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

RECEIVED APR 18 1994

Legislative Information Office
P.O. Box 1189
Delta Jct., AK 99757
(907) 895-4236

DATE: April 13, 1994

Please accept the enclosed original(s) of written testimony for
the Senate Health, Educ. & Soc. Ser. teleconference hearing that was
scheduled on 4/13/94 on SB 323.

A copy of this testimony was transmitted to your committee via fax
on 4/13/94.

Thank you,

Elizabeth A. Sarver for
Elizabeth A. Sarver
Information Officer

Enclosures: (3)



Alaska State Legislature

Please enter into the record my testimony to the SH255
 committee name
 committee on SB 323 , dated April 13, 1994
 bill/subject

I want to Thank you for canceling this conference. I took time off work to be here. concerning SB 323. I have a few comments. Who is going to decide reasonable cause. If it is a ~~person~~ school official or school counselor it will be Social Service operated. I agree there needs to be witnesses present while the child is questioned and I also agree it should be Video taped but it needs to be done by an Unbiased person so the tape cannot be Edited or turned on and off as the Social Service would DO. The parents also need to be notified before the interview and it should be up to them whether or not the child is to be interviewed. After all whos children are they or one they the States

Signed: [Signature]
 Testifier

Representing (Optional) Victims of the State and Guardians of family rights
 Address PO Box 1054 Delta Jet AK 99737
 Phone No. 895 4805



Alaska State Legislature

Please enter into the record my testimony to the SB 323 HESS
 committee name
SB 323
 committee on Video Taping Minor, dated 7-13-1994
 bill/subject

Our group from Delta waited patiently for two hours to find out if the conference had been cancelled. I surely understand that agendas are subject to "change" however, any notice in advance would be greatly appreciated. This would save your constituents (the voting public) valuable ~~any~~ working time.

About SB 323 - I agree with the idea of video taping any accusation. However the interviewer should be interviewed as well, so as to establish the demeanors of the questioning and any physical gestures of a leading nature. But above & beyond any of this I'm concerned with who is so qualified to usurp the constitutional rights of a families privacy and interview a minor child without their parents or guardian's knowledge & permission? This type of behavior could open up the interviewing agency to civil liabilities that are unlimited. Unfortunately or fortunately, a citizen is innocent until proven guilty and his/her rights, every last one, cannot be denied without a court order or what's known as due process. Questioning a child w/out a parents permission except under some felony charges is a violation of the Constitution of the U.S.A.

Signed: H. Wasserman

Testifier

self

Representing (Optional)

Delta Jet. AK

Address

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the SHSS
committee name

committee on SB 323 / video taping, dated April 13, 1994
bill/subject

I don't agree with the Department of Family and Youth Services, Law Enforcement Agencies and Personnel usurping the authority of parents and the Privacy of the Families.

School authorities and Counselors have already dug into invasions of family privacy. Admittedly, there are children who need protection, but by what right do the Agencies / Agent have to cause hardship on families on rumor, suspicion or tales and get away with no accountability. I believe every Agent / Agency should be held accountable for actions and they should have taping done by non-biased persons. This would insure that the tapes are not tampered with or edited by DFYS etc. So they get away with family destruction and harassment of children to make complaint against parents to justify their jobs due to budget cuts. Parents should be notified and present during interviews. Parents should decide if there should be an interview. Children belong to parents as gifts from God, the State does not own the children.

Signed: Jeanie Marie Pharis

Testifier Board of Directors

Guardians of Family Rights

Representing (Optional)

P.O. Box 704 Delta Junction, AK

Address

907-895-4805

Phone No.

"Trying to help my children"

Sept 9, 1993 Channel 11 "Live" News...

July 28, 1993 Newsmine

April '92 KFAE Talk Show

STATE AWARDS CUSTODY OF "HEALTHY AND WELL-ADJUSTED CHILDREN" TO MAN WITH SERIOUS PSYCHOLOGICAL PROBLEMS

M.B. and T.B. were two healthy and happy children living with their mother in a beautiful six-bedroom, three bath log home. The home which also boasts a sitting room, deck and picnic area provided part of the family support as a Bed & Breakfast enterprise. Additionally, its spacious nature allowed ample space for their mother, P.O-D., to operate a day care center and a small business selling cosmetics in order to further meet her family's needs.

The children's father, G.B., tends to view his role as a father not to go beyond that of providing support for his children although P.O-D. insists he rarely sent her money towards this end. He claims that his work as a pipefitter required him to spend most of his time in California or on the North Slope apart from P.O-D. and their children. He did, however, occasionally return for visits during times of unemployment, habitually spent the Christmas season with his children and once was convinced to go with them on vacation to aid their mother in moving some furniture from a former home.

The relationship between M.B. and T.B.'s parents appears to have been rocky from its beginning. Although G.B. maintained he divorced his second wife so he could marry P.O-D., the two were never married and according to him separated "shortly after T.B. was born." It was only when P.O-D. informed him she intended to marry someone else that G.B. seems to have suddenly developed a strong desire to have any significant involvement in the lives of his children.

During the pursuing argument for child custody a psychological test was administered to both parents. The results are as follows:

P.O-D.'s test results indicate she possesses a "great concern about the needs of other people. She sees herself as the caretaker of other people's needs and often doubts the competence of others in meeting them. She sees herself as on a mission and has an inflated sense of self importance. She strongly feels that she, and she alone is responsible for the happiness of not only herself and those that she cares about, but of all people," and "feels a strong need to protect her children from their father..."

G.B.'s psychological profile states, "...His particular profile suggests that he attempted to be seen in a favorable light and will also tend to minimize and overlook faults in himself. There is a high degree of defensiveness seen and a lack of insight into the impact of his behavior on others. People with scores similar to G.B.'s are often described as moody; changeable, opinionated and unstable. These people also tend to be rigid and inflexible and intolerant of the possibility of deviance in themselves..."

their father, "...the primary basis for my decision in this case is the inability of (P. O-D.) to foster a healthy, frequent and loving relationship with (G.B.)..."

P. O-D. has never claimed to be "the perfect parent" nor "the perfect human". She insists, like most parents, she was only doing what she thought was best for her children. "I'm only human," she professes, "We all make mistakes." Unfortunately, our governing bodies where children are involved no longer seem to allow or have tolerance for human error or misjudgments. No one ever told P. O-D. that giving her son enemas could result in allegations of sexual abuse because it requires penetrating the child's body. She wasn't aware that administering commercially available remedies to ill children is unlawful or abusive without obtaining a doctor's o.k. beforehand—even if the illness is of a reoccurring nature that has previously been diagnosed. Even so, she questions why the accusations center around her son while nothing seems to have been viewed wrongful about the administration of enemas to her daughter. Her son had either ulcerated colitis or food allergies as an infant resulting in extreme constipation according to his former pediatrician. When he was about seven, his doctor at that time recommended occasional enemas to relieve the child's migraine headaches caused by extreme constipation. Her daughter, who had been diagnosed as being allergic to milk products, also suffered from bouts with severe constipation. P. O-D. believes in good nutrition, herbs and enemas to relieve constipation lasting more than two or three days if her children start feeling ill because of these diagnosed conditions and the advice given by the children's doctors over time. "Parents know we are all human and this case has been blown out of proportion for what is supposed to be 'in the best interest of the child.' "

Custodial and single parents, even many couples, feel the pressure to be perfect without a precise definition as to what is to be considered perfect. A person accused of an abuse against a child by anyone is automatically presumed to be guilty despite the lack of any supportive evidence. As one attorney put it, "It's gotten in this country where the parent who accuses the other of sexual abuse first is the one who ends up with custody." Forget evidence. The word "abuse" is like raising a red flag attesting to the fact that a child is being "harmful". Many judges, prosecutors, court custody investigators, mental health workers and social workers seem to believe once someone—anyone— has uttered "the word" it is their duty not to seek the truth whereby justice can be done, but to find ways to justify at least among themselves of removing the child from the "harmful environment". The minds too often shut down; tunnel vision happens. The silent battle cry becomes "save the child!" rather than the careful weighing all available evidence to best determine what truly would be "in the best interest of the child." It's like they have all the real evidence required upon hearing the word, therefore, are in no need of any additional facts. Many times this leads to an envisioned need in some judges mind to discount or seek ways to discredit contrary information offered as a defense by the parent accused of abusing the child. Likewise, it can lead to the envisioned need to "white wash" the accuser's character. More often than not in child custody cases the accused parent comes to believe the scales of justice were tipped irreversibly in the others favor from the beginning.

"Thinking back," P. O-D. says, "It's like the judge decided the minute G.B. said he wanted the kids he should have them. And from then on there was nothing I could do to keep them or get them back and nothing he could do that would cause her to change her

"...(He)shows a significant degree of concern about physical integrity. He is also seen as immature, egocentric, and very demanding. He will tend to use repression quite often and will also manifest strong demands for affection, support and attention from others. (He) is seen as rebellious, resentful and limited in his frustration tolerance. He shows many characteristics often associated with the diagnoses of anti-social personality. Scores such as G.B.'s suggests that he will tend to use projection of blame and hostility quite significantly. People with profiles such as his tend to only care about others to the extent that they may further their own personal ends. He may tend, because of his defenses, to misperceive many social stimuli..." (Antisocial personalities are also called psychopathic personalities.)

"...(H)e can be described as immature, narcissistic and self indulgent. Often...codes such as his suggest that a person will be passive dependent and make excessive demands on others for attention and sympathy. They often become resentful, however, even at the most mild demands made on them by others. Individuals with similar scores...have a poor work history and marital problems are quite common. Often repressed anger and hostility are characteristic of such individuals. G.B. will tend to rationalize and transfer blame for his problems to others and he will accept little responsibility for his behavior. He will deny that he suffers serious psychological problems. (His)...Profile suggests that he may be diagnosed with a passive/aggressive personality disorder..."

Additional tests administered "enhance the themes of resentfulness, limited frustration intolerance and rigidity in his personality" and reinforce the evaluation that "he suffers from a character disturbance:"

G.B.'s first wife contended that a part of the difficulties endured in their marriage was his inability to maintain close personal relationships or to recognize and empathize with other people's feelings. Furthermore, the Custody Investigator stated in her report to the court that "(a) another difficulty with G.B. is his (in) ability to recognize and attend to childrens' developmental needs." The investigator makes reference to the fact that an older son was left unattended to manage a duplex owned by his dad while G.B. worked away from home when the boy was only fourteen-years-old. The report continues, "G.B. is also an angry and rebellious person who attributes all the problems to P.O-D. and accept little responsibility for his part in the problems. He also tends to rebel without thought to repercussions for his actions."

While it may be argued that some of P.O-D's parenting beliefs and practices, particularly those involving her children's health needs, were questionable; it does nothing to negate the numerous statements made throughout the entire case documents that while under her care M.B. and T.B. were considered to be both healthy and well-adjusted children.

AS 25:20.110 requires that change of circumstance be in the best interest of children. S.N.E. v. R.L.E. (Alaska-1985) established, "When a court determines the best interests of the child under the changed circumstances doctrine, the scope of judicial inquiry is limited to facts directly affecting the child's well-being." What possible motive and justification can exist for removing healthy and well-adjusted children from a home environment that allowed them to enjoy this sense of well-being? According to Superior Court Judge, Niesje J. Steinkruger, in her ruling awarding custody of M.B. and T.B. to

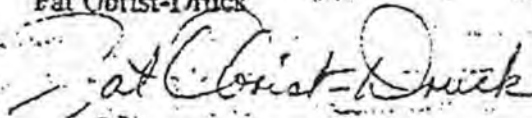
mind. It didn't matter that I'd raised them and supported them on my own for the last eight years. Or, that he came to visit only when he was "in the mood." Or, that I provided them with a beautiful home. Or, that the first thing the unemployed G.B. did when he was initially decreed their children's primary caregiver was to apply for welfare and stayed there despite court dictation that he seek employment as a condition of this award. Or, that the kids are confused and don't understand why they can't come home. Everything he did seemed to be o.k. or capable of being changed with therapy; the most he got was a verbal hand slap. Everything I did or said seemed to be wrong; I wasn't given the opportunity to change. No one seemed to want to consider anything favorable in my behalf. It's like all anyone cared about was finding fault. It's not like I couldn't change anything if it had meant being able to keep M. and T."

The Alaska Court System succeeded in "saving" these children from living in a stable, "abusive environment" that left them healthy and well-adjusted. The judge decreed, "This is not a dependency proceeding where the court decided that the children would be placed in the custody of the state rather than their parent. This is a custody proceeding between two parents. There is no performance order that P. O-D. must fulfill that will result in the court removing the children from G.B. and placing them with her. This court has decided the primary caretaker of the children is G.B."

Upon receiving permanent custody, G.B. took M.B and T.B. and moved from the state ostensibly to seek employment.

"It's a never ending nightmare," P. O-D. whispered as unshed tears filled her eyes, "The price I'm paying in emotional pain is nothing compared to the destruction done to my children's lives."

Pat Obrist-Druck



557 Fairbanks St.
Fairbanks, Alaska 99709

(907) 479-2447

August 31, 1993

Local

Section
B

B-2
B-2
B-4

8661 (Ext. 276)

Wednesday, July 28, 1993

Emerging group critical of DFYS actions

By KATE RIPLEY
Staff Writer

Out of control. Above the law. Accountable to no one.

These are phrases a new parent group uses to describe the state Division of Family and Youth Services, an agency of social workers and counselors that, among other things, tries to protect children from abuse and neglect in the home.

Some members of the group Concerned Parents for Reform go even further when describing perceived problems at the division. "DFYS will steal your children," one member said during a recent meeting in North Pole.

The group, about 15 active members, said the agency has a policy of "take the kids now, investigate later" by presuming the parents are always guilty.

"They're hiding behind confidentiality laws," said Mike Floto of Fairbanks, president of Concerned Parents. He argued that the agency lacks accountability to the public because it can hide behind laws that prohibit discussion of cases.

Many members of the group are parents in the final end of custody battles. Some claim their children, or their children's actual counselors, have filed false sexual or physical abuse reports. Some believe the state wrongfully took their children and placed them in foster care.

Mike Floto and his wife, Jackie, have been foster parents for the past three years. During that time, they saw caseworkers only a few times. Such workers, who are usually overwhelmed, cannot adequately oversee the foster care system, they said.

The Flotos said a third party is needed to serve as a liaison between hurt and angry parents and social workers. An external audit of DFYS is needed as well, they said.

Since the group formed in April it has attracted the attention of Lt. Gov. Jack Coghill and Health and Services Commissioner Ted Mala. DFYS director Debra Wing and the agency's north-south region administrator, Tom Parker, met with the group last week at

North Pole City Hall.

Parents presented a slew of allegations and asked dozens of questions, but few answers came that night. Later, Mala said his division will listen to concerns, but vague accusations won't help.

"Any system that is a human system will always have different interpretations of rules and regulations," Mala said. "When you're dealing with a sensitive issue like your children, sometimes it's difficult to be objective."

But Mala said he wants a conference in Fairbanks before summer is over to bring together representatives of his division, the courts, and attorney general's office. Police officers and legislators also may attend, he said. If change within the department is warranted, it likely would become obvious during such a gathering, Mala said.

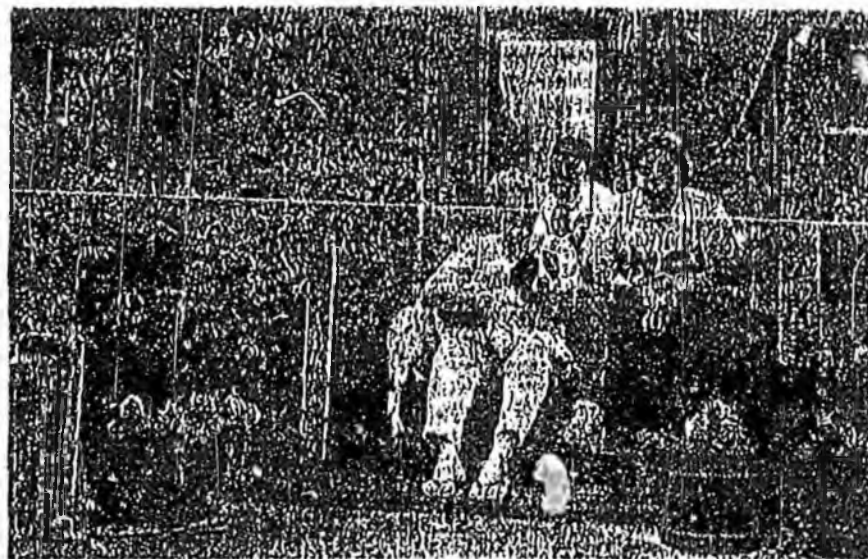
"Other than the Ten Commandments, everything is subject to change and updating," Mala said.

Asares Pal Obrist-Druck is incarcerated, the system must change. Obrist-Druck claims Fairbanks Superior Court Judge Neasa Stelniker this month wrongfully gave custody of her two children to their father, to whom she was never married. The judge allowed the father, who has been regularly unemployed in Fairbanks and supported himself and the children partially on welfare payments, to take the children to California with him to live. The father hopes to find more regular work there through his union.

The children, now 9 and 10, lived with Obrist-Druck until October 1991, when the court awarded the father primary custody. The court made the award after sexual abuse allegations were leveled at Obrist-Druck. The state never filed charges, and Obrist-Druck denies the allegations.

"To this day, I still don't know what I did wrong," she said. "There are no rights for parents. We're trying to explain the truth."

Obrist-Druck said she doesn't have the money to appeal the court's latest custody ruling, and doesn't know where to turn.



CONCERNED PARENTS—Mike and Jackie Floto say it's time for a change at the state Division of Family and Youth Services. The couple, pictured here with their 15-year-old son James, helped organize a group calling itself Concerned Parents for Reform. The group believes the DFYS has overstepped its bounds, and is stepping on parents' toes.

Rep. Harley Othurg, R-Delta Junction, said residents of his district seem to have constant run-ins with DFYS.

"The clearest thing that stands out is that kids know how the system works and how to play the game," Othurg said. "False reporting gets them out of the home, or exaggerated reporting, perhaps."

Othurg said he doesn't support creating more laws, but a critical review of existing laws might help.

Tina Barker of Fairbanks said existing laws are too liberal.

"The social worker has total control over the courtroom," Barker said. "Children are taught to use the system. If you can't get what you want, join the system."

Barker alleges a DFYS social worker encouraged her 12- and 14-year-old daughters to run away.

The children said Barker abused them, which Barker denies.

The girls currently are in foster care, per a court order Barker said she has another hearing in October and hopes to get them back.

During the 1992 fiscal year, the latest for which statistics are available, the division received 11,508 reports of harm to children in the home, according to the division's annual report. The number translates into 63 alleged victims per 1,000 children; the national rate is 39 per 1,000.

Of these 11,508 reports, the division conducted investigations on 8,468 of them. Social workers substantiated 42 percent of those cases as abuse, neglect or abandonment, the annual report says.

Less than a third of the children in those substantiated cases are

taken away from parents.

Wing, the statewide DFYS director, said her division over the past 1 1/2 years has shifted its emphasis from intervention to family preservation.

"We're trying to work with the entire family, not just one individual," Wing told Concerned Parents. "Change is not easy."

A child's safety is the division's ultimate goal, Wing said. "We had protection laws in place for criminals before we had them for children," she said.

Mala said he wants to keep talking with Concerned Parents and hopes the group recommends specific changes.

"We can't change all the laws for one or two cases," he said. "In an organized society, you're stuck with the law, like it or not."

APR-15-94 FRI 18:31

FAX INFO OFFICE

FAX NO. 307-5663346

F.09



Alaska State Legislature

Please enter into the record my testimony to the _____
 committee name
 committee on SB-323 dated 4-15-94
 bill/subject

The cost of implementing SB323 is stated to be \$2.3 million. The McMartin case alone cost the State of California \$15,000,000 just to prosecute (\$2.1 million/yr for 7 years). The defendants were acquitted. The lesson learned was not to respect citizens rights and liberty, but an envisioned need to "get around" such constraints which "hamper children protective services ability to act". The bottom line was that the Buckley's and other co-defendants were innocent of the suspicions despite efforts to rally emotional support for the contention. The cost of incarcerating the innocent Raymond Buckley for 5 yrs in AK today would be \$206,608.25; his mother's 3 yrs wiykd be \$123,964.95.

Somehow, confidentiality supposedly intended to shield minors (according to the *Alaska Bluebook*) now shields bureaucratic drunken spending. Statistics in themselves threaten no particular individual. Even so, a layman can determine the crude mean cost to the state in civil court is \$3,190.73/case. Of the 8,466 investigated cases completed in FY92 only 42% are reported by DFYS to have been substantiated. This figure does not include the 22% of all cases ruled "invalid" at onset. 58%, or 4,892 cases provenly do not represent what AK legislatively considers to be of compelling state interest. If each case requires some form of "court action" the mean dictates a \$15,609,051.16 state expenditure. Of course, not every case does. But, somehow those that don't require "mental health therapy" as much as those who do. The state would seem to pay approximately \$50/session for an average 8 sessions which means approximately \$160,000 annually is spent convincing parent "the State" has a compelling interest where legislatively it doesn't.

Worse, of the 826 children placed in foster homes 93% were returned. Just considering that 58% were erroneous at onset that would be 479 X \$3,619.80 (ave 6 mos. where federal incentives stop), or \$1,733,884.20 in wasted foster care payments. Characteristically, what research shows is that DFYS is so concerned with collecting available dollars for worker benefit that its forgotten what its intended mission was all about. \$2.1 million/year for seven years to prosecute just one case shows just how far controllers will go at someone else's expense to win. In the long run what is 2.3 million compared to the pursuit of self-righteousness?

Signed: Harry B. Nicholas (Harry B. Nicholas)
 Testifier
Guardians of Family Rights
 Representing (Optional)
P.O. Box 56044 N.P. AK 99705
 Address

APR-15-94 FRI 18:27



FBX INFO OFFICE

FAX NO. 9074563346

P. 01

TELECOPY COVER SHEET

Fairbanks Legislative Information Office

Office - (907) 452-4448

Fax - (907) 458-3346

TO: Sen. Rogers FAX: 465-2069 PHONE: 465-3879
Chair Senate HESS

FROM: Flint LIO PHONE: _____

INSTRUCTIONS: Written testimony for SB. 323 telecopied
on 4/15/94

RECEIVED: Date _____ Time _____

SENT: Date 4/15/94 Time _____

DISPOSAL OF ORIGINAL: Discard _____ Hold for Pict p

NUMBER OF PAGES: _____ (Not counting cover sheet)

SENT BY: _____

To Whom it may concern:

Elsine Ponchione was assigned to my daughters April and Rebecca as their Guardian ^{ad litem}, almost a yr ago. During that time she done her best to destroy our family with great zeal in her personal vendetta.

Thou the case was closed 4-30-94 she is still involving herself in our family. Please help us stop this great injustice.

Lina Barker

Rebecca Winham, 8
April Winham
3568-B Tollewe Rd.
Fairbanks, AK 99709

To Whom It May Concern:

We were given inappropriate advise about our case by the public advocates (Elsine Ponchione). We were told that the information that we told the courts would benefit all the Winham children. Our lawyer told us that we would benefit from the "Plan" by staying in the groups custody. We were also informed by our lawyer that it would not be advisable to return back to our mothers care due to the fact that our mother would send the both of us to a institution in Oct 1994. Due to our ignorance we caused several individuals to worry and search for us endlessly, including several Alaska State Troopers from Fairbanks to Kenai. Of whom we appreciate there concern, we would like to thank Trooper Hill for the care he gave us on the way back to Fairbanks. This was just one of many cases that arose with in the past year. The main problem that can be seen at this time is our lawyer who is against christian family's, and pin the mother against the daughters and the daughters against the mothers. Which in the long run would cause our family to have a "mental breakdown" and other problems could arise that are not wanted.

Sincerely,
April-R. Winham,
Rebecca Winham



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on SB 323 , dated 15 Apr
bill/subject

*I fully support SB 323
It seems that the proposed cost
is out of line with reality.
A video will assist Courts parents &
social workers in decision making*

Signed: Betty Gullis
Testifier

None
Representing (Optional)

P.O. Box 55163 D.F.
Address



Alaska State Legislature

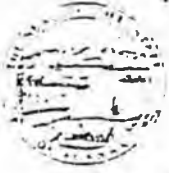
Please enter into the record my testimony to the Statewide Organization Guardians
 committee name of Family Rights
 committee on Senate Bill #323, dated 2-14-94
 bill/subject:

As their mother, I was charged with sex abuse
 of my own son - when he wasn't even born.
 They gave my children to a father with mental
 disorder of a psycopath & proudly states
 he has a disease for 32 years to the court.
 Judge Steinkruger has recently refused to hear
 evidence of emotional & physical abuse to
 keep them out of her jurisdiction, now that
 they live in California, what can I do now?

Signed: [Signature]
 Testifier

Self
 Representing (Optional)
557 Fairbanks St, Fairbanks, AK 99709
 Address

STATE OF ALASKA
THE LEGISLATURE



LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

RECEIVED
APR 20 1994

Legislative Information Office
P.O. Box 1189
Delta Jct., AK 99757
(907) 85-4236

DATE: April 15, 1994

Please accept the enclosed original(s) of written testimony for
the Senate Health, Educ. & Soc. Svcs. teleconference hearing that was
scheduled on 4/15/94 on SB 323.

A copy of this testimony was transmitted to your committee via fax
on 4/15/94.

Thank you,

Elizabeth A. Sarrar
Elizabeth A. Sarrar, for
Information Officer

Enclosures: (4)



Alaska State Legislature

Please enter into the record my testimony to the SENATE HESS
committee name

committee on SB323-, dated 4/15/94
bill/subject

I support IF THE videotaping
is performed by a independent
person and ~~that~~ DFYS ALSO
THE RIGHTS TO THE video tape
SHOULD BELONG TO THE PARENTS
OF THE CHILD OR CHILDREN
NOT DFYS

Signed: *R. Koestel*
Testifier

Representing (Optional)
P.O. Box 205 UJ. 99737
Address

595-1018
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the _____

committee name

committee on SB 317, SB 323, HB 350, SB 346, dated 4-15-94

bill/subject Vote No. SB 346

SB 317 This Bill will give Social Services more power than it already has. This Bill ~~is~~ is the opposite of SB 323 and HB 350. I believe 317 would be a very bad bill and it would be a sad day in all parents lives. It is one way to take away parental authority. Social Services has to many Department now. It needs to be cut not added to. Vote NO to this Bill

Bill 323 and 350 has some good parts to it but needs a few changes. The Video taping part is good but it needs to be done by a nonbiased person so it wont get edited. Also the parents need to be notified before the child's interview and it should be up to the parent whether or not there is an interview not Social Services

Signed: _____

Testifier Victims of State Police Beach
Guardian of family rights

Representing (Optional)

PO Box 704 Pella IA IA

Address

99737

Phone No.

895 905



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on SB 317 / SB 346 , dated April 15, 1994

Vote No on SB 317 bill/subject SB 346 - Invasion of Privacy!

I'm all for video taping interviews with children, but I feel parents have the right to be there during the taping. Taping should be done by someone not associated with DFYS, or CPS or Any Law Enforcement Agency or Agent.

It used to be you were innocent until proven guilty, now the burden lies on the accused to prove their innocence. How can the accused do this when alone Agents / Agencies harass children and badger them into complaints on parents usually because children are angry because they didn't get their way or interviews are done on hearsay / rumors not fully investigated because DFYS etc... need to justify their jobs due to Departmental budget cuts etc. In case your wondering children do lie and tell stories, some will tell anyone what they want to hear if they are bribed or harassed enough. Constant questioning, and re-ordering of questions causes confusion and children become frightened and agitated. Videotaping would stop the badgering of children and others interviewed against the accused.

Signed: Jeanne Marie Propp Accused.

Testifier Board of Directors

Guardians of Family Rights

Representing (Optional)

P.O. Box 704 Delta Junction, Alaska 99737

Address

017-895-4805

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the SB committee name

committee on SB 323 dated April 15, 1994
bill/subject

These teleconference cancellations or rather, postponements are completely ridiculous. Hard working voters take valuable time off from earning a living to pay your salaries and their treated like second class citizens. Why can't the "other" business wait until after a scheduled teleconference?

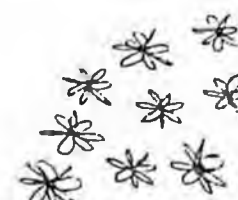
Once or twice would be understandable, par for the course, but over + over, time and time again makes one wonder just how much our input really counts anyway.

Signed Kristi Wanserman
Testifier

Self

Representing (Optional)
Delta Jet Alaska
Address

Phone No.





STATE OF ALASKA

LEGISLATIVE AFFAIRS AGENCY

DIVISION OF PUBLIC SERVICES

RECEIVED APR 20 1994

DATE: 4/15/94

Please accept the enclosed original(s) of written testimony for the Senate HE-30 teleconference hearing that was scheduled on 4/15/94 at 10:00 AM.

A copy of this testimony was transmitted to your committee via fax on 4/15/94.

Thank you,

Tom Finkbeiner
Tom Finkbeiner

To Whom it may concern:

Eloine Ponchione was assigned to my daughters April and Rebecca as their Guardian ad Litem, almost a yr ago. During that time she done her best to destroy our family with great zeal in her personal vendetta.

Thou the case was closed 4-30-94 she is still involving herself in our family.

Please help us stop this great injustice.

Lina Barker

Rebecca Winham &
April Winham
2700-B College Rd.
Fairbanks, AK 99709

To Whom It May Concern:

We were given inappropriate advise about our case by the Public advocates (Eloine Ponchione). We were told that the information that we told the courts would benefit all the Winham children. Our lawyer told us that we could benefit from the "rules" by staying in the states custody. We were also informed by our lawyer that it would not be advisable to return back to our mothers care due to the fact that our mother would send the both of us to a institution to get safe. Due to our ignorance we caused several individuals to worry and search for us endlessly, including several Alaska State Troopers from Fairbanks to Kenai. Of whom we appreciate there concern, we would like to thank Trooper Roll for the care he gave us on the way back to Fairbanks. This was just one of many cases that arose with in the past (see the main problem that can be just at this time is our lawyer who is assist christian family's and pin the mother against the daughters and the daughters against the mothers. Wich in the long run would cause our family to have a 'mental breakdown' and other problems could arise that are not wanted'.

Sincerely,
April R. Winham,
Rebecca Winham



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on SB 323, dated 15 Apr
bill/subject

I fully support SB 323

It seems that the proposed act is out of line with reality

A video will assist courts parent & social workers in decision-making

Signed: Betty DeLano
Testifier

None
Representing (Optional)

P.O. Box 5523 NP
Address



Alaska State Legislature

Please enter into the record my testimony to the Statewide Organization of Guardians
committee name of Family Rights
 committee on Senate Bill #323, dated 2-14-94
bill/subject

As their mother, I was charged with sex abuse of my own son - when he wasn't even born. They gave my children to a father with mental disorder of a psycopath & proudly states he has a disease for 32 years to the court. Judge Steinkruger has recently refused to hear evidence of emotional & physical abuse to keep them out of her jurisdiction, now that they live in California. What can I do now?

Signed: *Christ-Duck*
Testifier
Self
Representing (Optional)
557 Fairbanks St. Fairbanks, AK 99709
Address

"Trying to help my children"

Sept. 9, 1993 Channel 11 "Live" News

July 28, 1993 Newsmen

April '92 KFAR Talk Show

STATE AWARDS CUSTODY OF "HEALTHY AND WELL-ADJUSTED CHILDREN" TO MAN WITH SERIOUS PSYCHOLOGICAL PROBLEMS

M.B. and T.B. were two healthy and happy children living with their mother in a beautiful six-bedroom, three bath log home. The home which also boasts a sitting room, deck and picnic area provided part of the family support as a Bed & Breakfast enterprise. Additionally, its spacious nature allowed ample space for their mother, P.O-D., to operate a day care center and a small business selling cosmetics in order to further meet her family's needs.

The children's father, G.B., tends to view his role as a father not to go beyond that of providing support for his children although P.O-D. insists he rarely sent her money towards this end. He claims that his work as a pipefitter required him to spend most of his time in California or on the North Slope apart from P.O-D. and their children. He did, however, occasionally return for visits during times of unemployment, habitually spent the Christmas season with his children and once was convinced to go with them on vacation to aid their mother in moving some furniture from a former home.

The relationship between M.B. and T.B.'s parents appears to have been rocky from its beginning. Although G.B. maintained he divorced his second wife so he could marry P.O-D., the two were never married and according to him separated "shortly after T.B. was born." It was only when P.O-D. informed him she intended to marry someone else that G.B. seems to have suddenly developed a strong desire to have any significant involvement in the lives of his children.

During the pursuing argument for child custody a psychological test was administered to both parents. The results are as follows:

P.O-D.'s test results indicate she possesses a "great concern about the needs of other people. She sees herself as the caretaker of other people's needs and often doubts the competence of others in meeting them. She sees herself as on a mission and has an inflated sense of self importance. She strongly feels that she, and she alone is responsible for the happiness of not only herself and those that she cares about, but of all people," and "feels a strong need to protect her children from their father..."

G.B.'s psychological profile states, "...His particular profile suggests that he attempted to be seen in a favorable light and will also tend to minimize and overlook faults in himself. There is a high degree of defensiveness seen and a lack of insight into the impact of his behavior on others. People with scores similar to G.B.'s are often described as moody, changeable, opinionated and unstable. These people also tend to be rigid and inflexible and intolerant of the possibility of deviance in themselves..."

their father, "...the primary basis for my decision in this case is the inability of (P.O-D.) to foster a healthy, frequent and loving relationship with (G.B.)..."

P.O-D. has never claimed to be "the perfect parent" nor "the perfect human". She insists, like most parents, she was only doing what she thought was best for her children. "I'm only human," she professes, "We all make mistakes." Unfortunately, our governing bodies where children are involved no longer seem to allow or have tolerance for human error or misjudgments. No one ever told P. O-D. that giving her son enemas could result in allegations of sexual abuse because it requires penetrating the child's body. She wasn't aware that administering commercially available remedies to ill children is unlawful or abusive without obtaining a doctor's o.k. beforehand—even if the illness is of a reoccurring nature that has previously been diagnosed. Even so, she questions why the accusations center around her son while nothing seems to have been viewed wrongful about the administration of enemas to her daughter. Her son had either ulcerated colitis or food allergies as an infant resulting in extreme constipation according to his former pediatrician. When he was about seven, his doctor at that time recommended occasional enemas to relieve the child's migraine headaches caused by extreme constipation. Her daughter, who had been diagnosed as being allergic to milk products, also suffered from bouts with severe constipation. P. O-D. believes in good nutrition, herbs and enemas to relieve constipation lasting more than two or three days if her children start feeling ill because of these diagnosed conditions and the advice given by the children's doctors over time. "Parents know we are all human and this case has been blown out of proportion for what is supposed to be 'in the best interest of the child.' "

Custodial and single parents, even many couples, feel the pressure to be perfect without a precise definition as to what is to be considered perfect. A person accused of an abuse against a child by anyone is automatically presumed to be guilty despite the lack of any supportive evidence. As one attorney put it, "It's gotten in this country where the parent who accuses the other of sexual abuse first is the one who ends up with custody." Forget evidence. The word "abuse" is like raising a red flag attesting to the fact that a child is being "harmed". Many judges, prosecutors, court custody investigators, mental health workers and social workers seem to believe once someone—anyone— has uttered "the word" it is their duty not to seek the truth whereby justice can be done; but to find ways to justify at least among themselves of removing the child from the "harmful environment". The minds too often shut down; tunnel vision happens. The silent battle cry becomes "save the child!" rather than the careful weighing all available evidence to best determine what truly would be "in the best interest of the child." It's like they have all the real evidence required upon hearing the word, therefore, are in no need of any additional facts. Many times this leads to an envisioned need in some judges mind to discount or seek ways to discredit contrary information offered as a defense by the parent accused of abusing the child. Likewise, it can lead to the envisioned need to "white wash" the accuser's character. More often than not in child custody cases the accused parent comes to believe the scales of justice were tipped irreversibly in the others favor from the beginning.

"Thinking back," P. O-D. says, "It's like the judge decided the minute G.B. said he wanted the kids he should have them. And from then on there was nothing I could do to keep them or get them back and nothing he could do that would cause her to change her

Local

B-2
B-2
3-4

6661 (Ext. 276)

Wednesday, July 28, 1993

Emerging group critical of DFYS actions

By KATE RIPLEY
Staff Writer

Out of control. Above the law. Accountable to no one.

These are phrases a new parent group uses to describe the state Division of Family and Youth Services, an agency of social workers and counselors that, among other things, tries to protect children from abuse and neglect in the home.

Some members of the group Concerned Parents for Reform go even further when describing perceived problems at the division: "DFYS will steal your children," one member said during a recent meeting in North Pole.

The group, about 15 active members, said the agency has a policy of "take the kids now, investigate later" by presuming the parents are always guilty.

"They're hiding behind confidentiality laws," said Mike Floto of Fairbanks, president of Concerned Parents. He argued that the agency lacks accountability to the public because it can hide behind laws that prohibit discussion of cases.

Many members of the group are parents on the losing end of custody battles. Some claim their children, or their children's school counselors, have filed false sexual or physical abuse reports. Some believe the state wrongfully took their children and placed them in foster care.

Mike Floto and his wife have been foster parents for the past three years. During that time, they saw caseworkers visit 15 times. Such workers, who are usually overwhelmed, cannot adequately oversee the foster-care program, they said.

The Flotos said a third party is needed to serve as a liaison between hurt and angry parents and social workers. An external audit of DFYS is needed as well, they said.

Since the group formed in April it has attracted the attention of Lt. Gov. Jack Coghill and Health and Social Services Commissioner Ted Mala. Mala, DFYS director Deborah Wing and the agency's northern region administrator, Ron Parker, met with the group last week at

North Pole City Hall.

Parents presented a slew of allegations and asked dozens of questions, but few answers came that night. Later, Mala said his division will listen to concerns, but vague accusations won't help.

"Any system that is a human system will always have different interpretations of rules and regulations," Mala said. "When you're dealing with a sensitive issue like your children, sometimes it's difficult to be objective."

But Mala said he wants a conference in Fairbanks before summer is over to bring together representatives of his division, the courts, and attorney general's office. Police officers and legislators also may attend, he said. If change within the department is warranted, it likely would become obvious during such a gathering, Mala said.

"Other than the Ten Commandments, everything is subject to change and updating," Mala said.

As far as Pat Obrist-Druck is concerned, the system must change. Obrist-Druck claims Fairbanks Superior Court Judge Niesje Stelnkruger this month wrongfully gave custody of her two children to their father, to whom she was never married. The judge allowed the father, who has been regularly unemployed in Fairbanks and supported himself and the children only on welfare payments, to take the children to California with him to live. The father hopes to find more regular work there through a union.

The children, now 8 and 10, lived with Obrist-Druck until October 1991, when the court awarded the father primary custody. The court made the award after sexual abuse allegations were leveled at Obrist-Druck. The state never filed charges, and Obrist-Druck denies the allegations.

"To this day, I still don't know what I did wrong," she said. "There are no rights for parents. We're trying to explain the truth."

Obrist-Druck said she doesn't have the money to appeal the court's latest custody ruling, and doesn't know where to turn.



Kolu Hiltunen/News Miner

CONCERNED PARENTS—Mike and Jacklu Floto say it's time for a change at the state Division of Family and Youth Services. The couple, pictured here with their 16-year-old son James, helped organize a group calling itself Concerned Parents for Reform. The group believes the DFYS has overstepped its bounds, and is stepping on parents' toes.

Rep. Harley Olberg, R-Delta Junction, said residents of his district seem to have constant run-ins with DFYS.

"The clearest thing that stands out is the kids know how the system works and how to play the game," Olberg said. "False reporting gets them out of the home, or exaggerated reporting, perhaps."

Olberg said he doesn't support creating more laws, but a critical review of existing laws might help. Tina Barker of Fairbanks said existing laws are too liberal.

"The social worker has total control over the courtroom," Barker said. "Children are taught to use the system. If you can't get what you want, join the system."

Barker alleges a DFYS social worker encouraged her 12- and 14-year-old daughters to run away.

The children said Barker abused them, which Barker denies.

The girls currently are in foster care, per a court order. Barker said she has another hearing in October and hopes to get them back.

During the 1992 fiscal year, the latest for which statistics are available, the division received 11,500 reports of harm to children in the home, according to the division's annual report. The number translates into 63 alleged victims per 1,000 children; the national rate is 39 per 1,000.

Of those 11,500 reports, the division conducted investigations on 8,468 of them. Social workers substantiated 32 percent of those cases as abuse, neglect or abandonment, the annual report says.

Less than a third of the children in those substantiated cases are

taken away from parents.

Wing, the statewide DFYS director, said her division over the past 1½ years has shifted its emphasis from intervention to family preservation.

"We're trying to work with the entire family, not just one individual," Wing told Concerned Parents. "Change is not easy."

A child's safety is the division's ultimate goal, Wing said. "We had protection laws in place for animals before we had them for children," she said.

Mala said he wants to keep talking with Concerned Parents and hopes the group recommends specific changes.

"We can't change all the laws for one or two cases," he said. "In an organized society, you're stuck with the law, like it or not."



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on SB-323 , dated 4-15-94
bill/subject

The cost of implementing SB323 is stated to be \$2.3 million. The McMartin case alone cost the State of California \$15,000,000 just to prosecute (\$2.1 million/yr for 7 years). The defendants were acquitted. The lesson learned was not to respect citizens rights and liberty, but an envisioned need to "get around" such constraints which "hamper children protective services ability to act". The bottom line was that the Buckley's and other co-defendants were innocent of the suspicions despite efforts to rally emotional support for the contention. The cost of incarcerating the innocent Raymond Buckley for 5 yrs in AK today would be \$206,678.25; his mother's 3 yrs wiykd be \$123,964.95.

Somehow, confidentiality supposedly intended to shield minors (according to the *Alaska Bluebook*) now shields bureaucratic drunken spending. Statistics in themselves threaten no particular individual. Even so, a layman can determine the crude mean cost to the state in civil court is \$3,190.73/case. Of the 8,466 investigated cases completed in FY92 only 42% are reported by DFYS to have been substantiated. This figure does not include the 22% of all cases rendered "invalid" at onset. 58%, or 4,892 cases provenly do not represent what AK legislatively considers to be of compelling state interest. If each case requires some form of "court action" the mean dictates a \$15,609,051.16 state expenditure. Of course, not every case does. But, somehow those that don't require "mental health therapy" as much as those who do. The state would seem to pay approximately \$50/session for an average 8 sessions which means approximately \$160,000 annually is spent convincing parent "the State" has a compelling interest where legislatively it doesn't.

Worse, of the 826 children placed in foster homes 93% were returned. Just considering that 58% were erroneous at onset that would be 479 X \$3,619.80 (ave 6 mos. where federal incentives stop), or \$1,733,884.20 in wasted foster care payments. Characteristically, what research shows is that DFYS is so concerned with collecting available dollars for worker benefit that its forgotten what its intended mission was all about. \$2.1 million/year for seven years to prosecute just one case shows just how far controllers will go at someone else's expense to win. In the long run what is 2.3 million compared to the pursuit of self-righteousness?

Signed: Harry B. Nicholas (Harry B. Nicholas)

Testifier

Representing (Optional)

P.O. Box 5604 Sitka, AK 99705

Address