

NATIONAL COALITION FOR CHILD PROTECTION REFORM

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GOVERNOR SEBELIUS MUST RESTORE “INSTITUTIONAL INTEGRITY” TO KANSAS SRS, NATIONAL CHILD ADVOCACY ORGANIZATION SAYS

*The full report described in this press release is available at
<http://www.nccpr.org/reports/kansas.pdf>*

WICHITA, JUNE 20 – Gov. Kathleen Sebelius must act immediately to restore the “institutional integrity” of the state’s Department of Social and Rehabilitation Services, and that requires replacing SRS Secretary Don Jordan, a national child advocacy group said Friday.

“The disturbing, contradictory statements from Jordan, one of which can’t be true, are only the latest example of dissembling and evasion from Kansas SRS,” said Richard Wexler, executive director of the National Coalition for Child Protection Reform. He spoke at a news conference in Wichita organized by Citizens for Change, a Kansas family advocacy organization.

Wexler also will join other speakers at a public forum sponsored by Citizens for Change to be held tomorrow (Saturday, June 21) at 1:00pm at Spirit One Christian Center, 1515 E. Harry in Wichita.

At the news conference, Wexler released an updated edition of NCCPR’s report on Kansas child welfare, first released last December. The updated report includes a new opening section dealing specifically with Jordan’s statements and offering five new recommendations for reform.

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NCCPR also has joined Citizens for Change in calling on the federal Administration for Children and Families to investigate whether Jordan's statements indicate that Kansas is violating federal law or regulations, though he warned that this same federal agency has ignored Kansas' evasion of federal regulations concerning reporting the number of children taken from their parents.

One of Jordan's statements took place during a meeting with Citizens for Change, the other in a conversation with Sedgwick County Deputy District Attorney Ron Paschal.

In one statement, Jordan told Citizens for Change that SRS caseworkers are bullied, cussed at, yelled at screamed at and threatened by assistant district attorneys in Sedgwick County. As a result, Jordan said, they wind up including in sworn affidavits statements they don't really believe. Those affidavits are used to justify holding children in foster care after they've been taken away by SRS or law enforcement.

In the second statement, Paschal claims Jordan didn't really mean what he said in the first statement and was merely "pandering" to Citizens for Change.

"If Paschal's account is accurate, the one thing we know for sure is: Don Jordan made a false statement. We just don't know for sure *which* statement is false," said Wexler. "But either one suggests that SRS is violating federal law, federal regulations or both.

"These statements come on top of NCCPR's discovery last year that Kansas is exploiting a loophole in federal law to keep thousands of foster care placements out of official statistics – a practice which not only harms Kansas children but compromises the integrity of the entire federal data gathering process.

"SRS also tolerated Sedgwick County's absurd claim that a state law saying a child could be held in foster care for no more than 72 hours before a hearing somehow really meant 144 hours. Every other county understood the law correctly, but the

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legislature had to pass a clarification just to set Sedgwick County straight,” Wexler said.

“In all of these cases, SRS put institutional expedience ahead of the best interests of children,” Wexler said. “For the sake of those children, Governor Sebelius needs to replace Don Jordan with a leader who will put the children first.

Wexler called on the Governor not only to replace Sebelius but also to initiate a nationwide search for a replacement and begin an investigation of Jordan’s allegations that his workers have been bullied by the Sedgwick County District Attorney’s office. The investigation should be undertaken by an authority with the power to take testimony under oath.

“This is essential to end practices which compromise justice, if they exist, or, conversely, to allow the District Attorney’s office to clear its name,” Wexler said. He said the legislature also should hold open hearings and, if it is empowered to do so under Kansas law, take testimony under oath.

“The problems don’t rest solely with SRS,” Wexler said. “Whether or not they have actually bullied caseworkers, the Sedgwick County District Attorney’s office has taken the take-the-child-and-run mentality that dominates Kansas child welfare to extremes, actually encouraging the destruction of families when family poverty is confused with ‘neglect.’

“The county’s juvenile court judges exercise their enormous power over families in almost total secrecy and routinely wield rubber stamps instead of gavels.

“Both the D.A’s office and the judges appear to operate with an astounding ignorance of child development, and the latest research on the enormous harm done to children by needless foster care. Indeed, they seem to think that somehow, if they simply relabel “foster care” as “protective custody” somehow the children won’t notice that they’ve been torn away from everyone they know and love.

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“Given all this, it’s no wonder that, if they ever were forced to include all the children they tear from everyone loving and familiar in official statistics, Sedgwick County would be revealed as a contender for the title of child removal capital of America.

“But reform starts with SRS,” Wexler said. “Strong leadership at SRS can protect frontline workers from any bullying that may exist. Strong leadership would come clean about the true number of children in foster care. And strong leadership would remake the agency to emphasize safe, proven programs to keep families together.

“Unfortunately, instead of confronting their failures, SRS, the D.A.’s office and the judges all use innocent children as rhetorical human shields, hiding behind them to avoid facing up to failed policies.

“So all of them offer up some variation of the false claim that only parents are harmed when children are needlessly taken and, they claim, we need to ‘err on the side of the child.’

“In fact, there probably is no phrase in the child welfare lexicon that has done more harm to children than ‘err on the side of the child.’” Wexler said.

“When a child is needlessly thrown into foster care, he loses not only mom and dad but often brothers, sisters, aunts, uncles, grandparents, teachers, friends and classmates. He is cut loose from everyone loving and familiar. For a young enough child it’s an experience akin to a kidnapping. Other children feel they must have done something terribly wrong and now they are being punished. The emotional trauma can last a lifetime. One recent study of foster care “alumni” found they had twice the rate of post-traumatic stress disorder of Gulf War veterans and only 20 percent could be said to be “doing well.” How can throwing children into a system which churns out walking wounded four times out of five be ‘erring on the side of the child?’

“A second study, released just last year, is even more devastating,” Wexler said.

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“For that study, an MIT researcher compared outcomes for 15,000 children in cases where the decision on removal could have gone either way. He found that even maltreated children left in their own homes with little or no help fared better, on average, than *comparably-maltreated* children placed in foster care. Still another study, using a smaller sample and different outcome measures, produced identical results: the foster-children fared worse than comparably-maltreated children left in their own homes.

So whenever a judge or a deputy district attorney or an official of SRS tells you that rushing to tear children from their parents is ‘erring on the side of the child’ please remember the 15,000 children who would gladly tell you otherwise if they could.

“All that harm can occur even when the foster home is a good one,” Wexler said. “The majority are. But the rate of abuse in foster care is far higher than generally realized and far higher than in the general population. That same alumni study found that one-third of foster children said they’d been abused by a foster parent or another adult in a foster home. (The study didn’t even ask about one of the most common forms of abuse in foster care, foster children abusing each other). Switching to orphanages won’t help -- the record of institutions is even worse.

“Furthermore, the more a foster care system is overwhelmed with children who don’t need to be there, the less safe it becomes, as agencies are tempted to overcrowd foster homes and lower standards for foster parents. If a child is taken from a perfectly safe home only to be beaten, raped or killed in foster care, how is that ‘erring on the side of the child’?

“But even that isn’t the worst of it. Everyone knows how badly caseworkers are overwhelmed. They often make bad decisions in both directions – leaving some children in dangerous homes, even as more children are taken from homes that are safe or could be made safe with the right kinds of services. The more that workers are overwhelmed

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with children who don't need to be in foster care, the less time they have to find children in real danger. So they make even more mistakes in both directions. That is almost always the real explanation for the horror-story cases that make headlines.

“Thus, though the District Attorney’s office rushed to scapegoat efforts to keep families together after two young children allegedly were starved, beaten and tortured by their father and stepmother, in fact, those children would have had a better chance of being found and rescued much sooner, had SRS workers not been overwhelmed with children who never needed to be taken from their parents in the first place.”

Wexler said the latest revelations also reinforce the urgency of recommendations made in NCCPR’s original report, including funding a strong institutional provider of counsel for birth parents.

“First parents are given no serious representation at the initial hearing, so they have no way to challenge the removal of their children,” Wexler said. “Then Judge Jim Burgess has the gall to claim there can’t be anything wrong with the process because birth parents aren’t challenging it.”

The statements of Burgess and Judge Tim Henderson also reinforce the urgent need to open court hearings and most records in these cases, Wexler said.

“The response of the judges only reinforces the impression that Sedgwick County Juvenile Court is a closed club where everybody is such good friends with everybody else that even without any bullying, the objectivity required to achieve justice is compromised. And that is one more reason why it is urgent that these court hearings be opened to press and public.”

ABOUT NCCPR: The National Coalition for Child Protection Reform is a non-profit child advocacy organization whose members have encountered the child protection system in their professional capacities and work to make it better serve America’s most vulnerable children. Further information about NCCPR is available at www.nccpr.org **Funding for NCCPR’s national advocacy activities, comes from the Annie E. Casey Foundation. We thank the Foundation for its support, but acknowledge that the views expressed are those of NCCPR alone and do not necessarily reflect the opinions of our funders.**