

February, 16, 2012

Thank you for this opportunity to speak on Bill 2137. My families direct experiences in this setting is what brings me here today, not only to reflect on the past but how we can change the future. I think it is imperative and possibly dire that this type of legislation not only be put in place but even more restrictions and oversight be placed on the courts and these agencies as a whole. This a small step in getting our state and families back.

The domestic and juvenile courts are run unconstitutionally and illegally without allowing proper Due Process, and without respecting the Civil and Constitutional rights of citizens everyday. Under the Constitution and U.S. Supreme Court Case Laws, judges have no legal authority to assign custody of a child or terminate any parental rights without "clear and convincing evidence" and this is a high standard to reach that a parent is harmful to their child. A showing that a parent is unfit is required to terminate any parental rights. Even if "unfitness" is proven in the case, judges are required to take the minimum possible steps to protect the child without infringing on these rights. Instead this is about power, control and the ability to make money. The current local courts are using this as a weapon against us.

When our forefathers wrote our Constitution and Bill of Rights I don't believe, nor do I think they envisioned an adversarial court system being used against innocent people. They constructed our judicial system to be adversarial in nature to protect the innocent and not the guilty in criminal settings. We have taken this adversarial process into the world of Domestic and Juvenile Courts and allowed these other agencies to make decisions against parents and children causing irreparable damage in the name of "justice" or "in the best interest of children".

As many of us have been effected negatively by this type of over reach it is time to start amending the laws and regulations to fully protect "OUR" families from the bureaucratic red tape and interference that is to easily brought forwarded or unsubstantiated and causes damage to these individuals and families.

Over zealous states and judges go far beyond their legal powers in taking away our children, our homes, and our income. The state does not own our children or get to control them because we divorced or had an allegation made against us. There is no "divorce probation" that has been written but is clearly being utilized. Judges and lawyers trying to control parents behavior or attitude by using these kids as tools against them is not the law. It continues to inflict damage on our children and us as a society at an alarming pace with little to no oversight.

It must be fixed for the benefit of our children and generations of children to come. Judicial accountability is a single-issue to end the rampant and pervasive judicial corruption in the legal system of the United States and in Kansas. We need to recognize, this can only be achieved through making the Judicial Branch of government answerable and accountable to an entity other than itself. It is the result of the judiciary's arbitrary abuse to follow the doctrine of law

that leaves the People without recourse when their inherent rights are violated. Underlying all civil relations between government and the governed is the right to the governed to compel the government's obedience to law through the process of law. If that is not so, we can end this discussion now. As long as the judiciary conspires to maintain a policy to deprive people of life, liberty, or property without Due Process of law, then we really have no disputes as to whether it violates our 5th and 14th Amendments.

The problem is no accountability to those it injures in violation of the Constitution. The solution is accountability to those it injures in violation of our Constitutional rights. The constitution either sets the limits of "Jurisdiction" or it does not. If it does, then a judge has no jurisdiction to do what it forbids, nor can it allow or command others to do the same, they can not change the legal reality by redefining words or the "subject matter" or what the supreme laws of the land commands them to do. If it does not set limits then where does the authority come to the "courts of limited jurisdiction". A judicial branch that is composed of judges not subject to meaningful checks and balances lead to situations in which individual judges (acting by themselves or with other judges or lawyers) behave tyrannically and render constitutional judgments completely divorced from the Constitution, American history, and our commitment to representative democracy. This insistence on accountability does not threaten the rule of law or judicial independence. As Justice Roberts has remarked, "the rule of law is not the rule of lawyers."

These predetermined out comes must stop. Circumventing the Due Process or civil rights of parents to fast-track the judicial system is unacceptable and is leading to even more problems in our society. Since there is no oversight or surveying done with the parties in the system we will never be able to fix the problems unless we get to the source. After today you now have the evidence and the landscape that is destroying this society. Every attempt at reducing conflict in the separation process is necessary. The imprisonment, terminating of parental rights or other judicial tactics to remove a parent out of their children's life is unacceptable and not in their best interest. To say it is, is being intellectually dishonest. This bill is the first step in the right direction. My story is no different. I have provided you with Exhibits to follow the timeline of events. Thank you.

Exhibits

I was a successful small business owner enjoying my family. As all families do we had our problems. Ours was my wife and her "issues" that had started in 2002. We were married in June of 1991 and we had our first child in October of 1995, second in February of 1998, and our last in January 2000. There began a pattern of "physical" discipline in 2002 that I did not approve of and it was irregular at best.

By 2003 this "issue" was starting to become more common and much more adverse to our children. In August of 2004 I contacted my business attorney after an incident with her and we contacted several Dr.'s both mental and physical. I confronted my wife of 13 years to get help, only to see divorce papers 8 days later. This clearly put the children in harms way and put me in a position of "throwing stones" after the fact.

(Exhibit #1) We were able to get Psychological Evaluations done in November 2004 and were completed by March 2005. After all the testing the only one that came back with "ANY" mental problems was my ex-wife. The report was issued March 24, 2005 and I was ordered back into the house with my children April 4, 2005. I was awarded my children and placed back in the home for multiple reasons on top of this report.

(Exhibit # 2) Little did we know that the system was not going to protect our family. We were ordered into Case management in May 2005 and on June 1, 2005 Kim was ordered into therapy with the children. On July 27, 2005 photographs were taken by my Psychologist of the boys and their physical abuse after being with their mother that evening. The Case Manager made a finding of child abuse and reported it to Judge Kisner July 28, 2005 (nothing was done). On October 23rd, 2005 Kim struck our youngest son now 5, twice in the right bicep. She hit hard enough to cause a Hematoma (breaking the muscle) he was unable to raise his arm above his head for a month. November 2, 2005 David Hiebert (Lawyer/Interim Case Manager) would call myself and my mom. Even my ex-wife's psychologist didn't even want to see them take away her time even after the incident. Judge Kisner would place her on Supervise visitation and within 3 weeks the Judge and Case Manager wanted her off Supervised visits without any therapy sessions, a release from a psychologist or her even executing a visitation.

(Exhibit # 3) We would start 2006 the same way as we ended 2005. Kim decided to not to execute her visitation and drafted a letter to that point. She had apparently tried to do this in November according to her letter. In March of 2006 Permanent custody recommendations came out and were identical to the ones provided by Teddy Woods and Associates. Kim got a new lawyer and fought the recommendations. In June 2006 Kim went after the boys on the evening of

the 19th and again at the dentist office the next day. Judge Kisner would order an investigation and then seal the records. The court hearing would start in late September. After the judge had changed the residential custody setting against the findings of the professional and the Psychologist he would draft his own order and blatantly make up the majority of the order to get his way. I was unable to get my attorney to state this in the Appeal but I did get a letter letting me know how things would be going forward. Dr. Lance Parker was appointed in November 2006.

(Exhibit # 4) In 2007 we would again go through the gauntlet of the courts exercises of control after an entire year of not having the courts in the case. My ex-would fight the shared custody recommendation and we were unable to remove Judge Kisner from the case. He would refuse an evidentiary hearing in December and remove Dr. Parker and Dr. Bolton from the case without a showing of evidence. Per his own statements it was about his ruling being left in tact even though more psychologist disagreed with him.

(Exhibit # 5) 2008 Would start us down a path of no return. David Hiebert was now appointed to our case with the whole focus of maintaining the judges ruling. We have requested at least 5 times to be removed from Case management to no avail. Even though financially I cannot pay they have forced it on us. . I have shown you the corruption of the judge and the Case Manager collaborating on the fact that they are not "talking" about the case and of course the judge has no idea that much of this has already been documented.

(Exhibit # 6) 2009 would be uneventful until July. At this point the Case Manager would not step away from the case as he had stated in October 2008 with the boys in an interview. We would end up going to court in December and Judge Walters listened to the Case Manager without evidence and would terminate my visitation for a year.

(Exhibit # 7) This shows the last incident that happened in 2011. None of the accusation asserted in the October 28, 2011 recommendations can be substantiated yet the judge gave the Case Manager the ability to terminate my parenting time again. I would even note that the Superintendent and the Assistant Superintendent of our school district have both resigned.

(Exhibit # 8) Shows that these lawyers and judges now that each other is going to violate these rules and our rights and Due Process and will sit by and not do anything knowing the harassment and problems this will cause them in the their business.

(Exhibit # 9) This Barrett Simpson's case and just some of the same stuff going on with the same people and a few new ones.

(Exhibit # 10) This Monty Tribble's paper work with the same individual and how he treats the parents.