

February 15, 2012

I would like to start by thanking the committee for the opportunity to testify before this panel. My name is James Cleary and along with my wife Maureen are the parents of 10 minor children. On or around April of 2008, one of my younger daughters who was four years old at the time, started making comments about inappropriate sexual contact with her adult Uncle. (my wifes brother). These comments were reported to Kansas SRS, an investigation was opened, and we were assigned a social worker by the name of Monica Gildner. The Leawood police department opened an investigation and Det Dickey, after meeting with the suspect stated that The Alleged sexual perpetrator seemed to be hiding something.

Also at that time we were referred to Dr. Deborah Carle for our daughter to begin counseling. Dr. Deborah Carle worked for KVC which was the same organization that ran the foster care program for the Johnson County Kansas. Dr. Deborah Carle and Denise Lebow MSW met with us and our children many times and they both concluded that our daughter was in their opinion telling the truth. Because the abuse that was disclosed was apparently from a few years earlier, SRS said that it was unable to substantiate It because of a lack of biological evidence. We continued counseling for our daughter, as was advised by Monica Gildner and Dr. Carle. As counseling continued and the investigation ensued,

My wife spoke with Monica Gildner several times. Monica ensured us that we were doing everything she advised. As time went on, and to our horror, some of our other daughters began making disclosures about similar inappropriate sexual contact with this same Uncle. Most of this disclosures were made directly to both Dr. Deborah Carle and Denise Lebow MSW in private sessions without my wife or I present. As time progressed, it seemed that the SRS agents were less interested in our case and Dr Deborah Carle's reports to them were not being followed up on.

In early 2009, I called the State Of Kansas to file a formal complaint against the local SRS office due to their lack of follow up of the disclosures being made to the local SRS office by Dr. Deborah Carle.

A few weeks after my formal complaint, I was contacted by the same local SRS offices supervisor, Angela Webb to discuss my complaint. We were informed that the SRS office that we filed a complaint against would be investigating our complaint. I was then threatened by the local SRS agents that I should "look for closure" for the horror that had been unfolding in our lives and was instructed to bring our daughters in to meet with Monica Gildner and her supervisor, Angela Webb or we might find our family facing, and I quote, "court intervention for the safety of our children."

My wife and I refused to meet with Angela Webb or Monica Gildner because we felt they were incompetent in their investigation and we felt our family was threatened by this statement.

Finally, In April 2009, just a few weeks after our complaint , and we feel in retaliation for Our complaint , Monica Gildner, Angela Webb and Tina Abney opened a CINC (child in need of care case) against our family.

After we were served the CINC petition, but before our court date on May 6th we traveled to Colorado to visit some friends. While in Colorado, I was contacted by the GAL assigned to our case, Amy Mitchell. She wanted to know the whereabouts of the children. I told the children where the children were located and the phone number where she could reach them, and she spoke to them over the phone. We asked her specifically if we needed to come back to Kansas immediately, she said that we did not. She said she would let us know if we needed to do anything before the court date. We never heard any more from her.

While my wife and children were staying at our friend's house in Colorado, a Douglas County, Colorado social worker and sheriff arrived at the home with an Ex Parte Order that was sent to Douglas County Colorado from the Lenexa, Kansas SRS office. The Ex Parte Order was falsified with hand written words that read "Alleging Sexual, physical, emotional abuse", but it wasn't clarified that it was the CHILDREN'S UNCLE THAT WAS UNDER INVESTIGATION.

The ex parte order made it look to the Colorado social worker that my wife and I were under investigation for these crimes. The CINC petition filed against us only alleged that we were mentally abusing our children for pursuing the sexual abuse case against the Uncle . It also stated that SRS didn't know the whereabouts of the children. We knew The GAL was in contact with the SRS office and we knew that she knew where the children were. THE ENTIRE EX PARTE ORDER WAS LIES.

Based on the falsified Ex Parte Order sent across state lines in violation of the Federal Uniformed Child Custody Act, our children were seized in Colorado by a Social Worker and law enforcement. My wife was forcibly made to leave the children and stay with strangers. There were additional threats made by Angela Webb, Tina Abney and Monica Gildner stating that the State of Kansas agents would be coming to Colorado with armed guards to bring the children back to Kansas . The friends that were entrusted with the children in Colorado by the Colorado social worker felt it would be less traumatic on the children if they were brought back to Kansas and then turned over to the Local SRS office rather than the alternative that social services threatened. When the court date arrived, Dr. Deborah Carle and Denise Lebow MSW and Dr. Patrick Herrick PHD MD, my wife's doctor, testified that the children were telling the truth, and Judge Kathleen Sloan released the children immediately back into our custody .

We believe that due to arrogance and incompetency, SRS allowed a child sexual predator to go free and that once they realized they had made a mistake in filing the CINC petition against our Family, they were determined to pursue a cover -up. I will forever believe my Four little Girls (Mary Grace, Sugar, Libby, Gabby). I hope that my statements concerning the pain my family endured will help pass HB2137 that will ensure the protection of other families whose children disclose child sexual abuse.

Sincerely,

James Cleary