

February 7, 2012

TESTIMONY REGARDING GRANDPARENTS' RIGHTS; KANSAS FAMILY RIGHTS COALITION::

Children are the most fragile, insecure, vulnerable human beings on the earth. They are not resilient and have a hard time adjusting to inconsistencies in their lives.

When a child is taken from their homes and family, they experience separation anxiety, alienation syndrome, Stockholm syndrome, and post traumatic stress syndrome.

I'm sure you will agree the most traumatic thing that could happen to a child is their removal from the people who love them and that they love in return and feel safe and secure with. When this happens, a child does not and may never adjust to those circumstances and it will have long lasting consequences that may last all of their lives.

Statistics show that children who have been removed from their families suffer the same post-traumatic stress as the soldiers who have returned from war. This is not healthy for a child and we must take measures that will keep this from happening.

These are NOT ORPHANS!!! These are not children who have no family to care for them. These children have loving grandparents who want nothing but to care and love their grandchildren.

The "Best Interest of the Child shall always be the paramount concern of the Courts. (SANTOSKY v. KRAMER, 455 U.S. 745 (1982) 455 U.S. 745 In all OF the US supreme Courts rulings the Best Interest of the Child is the paramount consideration protecting not the parental rights but the relationship of the children to the parent.) The courts must look at the health and safety of the child when considering the Best Interest. (Adoption safe family act 1997). The state has no right to interfere with " A FIT parent's right to raise their children. But when a child is unable to be with their parents, the next alternative should always be with a grandparent or another biological family member that that child has had a long lasting bond with. 16 "[T]he importance of the familial relationship, to the individuals involved and to the society, stems from the emotional attachments that derive from the intimacy of daily association, {LIBERTY INTEREST} and from the role it plays in 'promot[ing] a way of life' through the instruction of children . . . as well as from the fact of blood relationship." Smith v. Organization of Foster Families for Equality and Reform, 431 U.S. 816, 844 (1977) (quoting Wisconsin v. Yoder, 406 U.S. 205, 231 -233 (1972)). 17 [463 U.S. 248, 262]

It MUST be outlined in the law that the children SHALL go to grandparents when removed from their parents' home. The only way this could not happen is if the grandparents have committed a crime that would place the child in danger. The Fostering

Connections to Success and Increasing Adoptions Act of 2008 became Public Law 110-351 on October 7, 2008. Support for kinship care and family connection

The Act provides new support for relatives caring for foster children. This includes a state option for federal reimbursement under Title IV-E for guardianship assistance payments; requirements for state to provide relatives with notice of the placement of a related child in foster care; codification of existing federal guidance permitting flexibility in foster care licensing for relatives; requirements for states to make reasonable efforts to keep siblings together in foster care; and grants to support family connections.

**Notice of placement to relatives (Sec. 103) Moreover, the state must inform relatives of their options "to participate in the care and placement of the child" including the requirements "to become a foster family home and the additional services and supports that are available for children placed in such a home." The act also allows child welfare agencies to obtain state and federal child support data to help locate children's parents and other relatives.**

MY RECOMMENDATION IN ORDER TO GET THIS GRANDCHILDREN INTO THEIR GRANDPARENTS' HOME SAFELY AND AS SOON AS POSSIBLE: It takes 5 minutes for the grandparents to sign a "waiver" allowing SRS to contact any police department, have the grandparents looked up in Alert in the computer and if that criminal background checks out okay, GIVE THE CHILD TO THE GRANDPARENTS, then look into the more extensive background check of KBI. Typically, if a person cleared the Alert check, they will also clear the KBI background check. Why place a child in a temporary surrounding, causing separation anxiety and mental distress, when it is not necessary. ONLY TAKES 5 MINUTES to save that child's mental health. The criminal records check provision also does not apply to relative home that are not licensed or approved in accordance with state standards because children in such homes are not eligible for TITLE IV-E funding.

When a parent's rights have been severed, the grandparents' rights should be elevated immediately to the "Defector Parenting" status which gives them the same rights as a parent would have.

The decision of whether a child that has been removed from their home should be placed or adopted by a grandparent should not be left to the discretion of a judge. Unless it can be proven that the grandparents are unfit, it should be MANDATORY that the grandparents shall have placement, custody and adoption of the grandchild when needed.

REASONABLE EFFORTS & FEDERAL Foster Care Reimbursement to States (42 U.S.C. Â § 671 (a) (15) and 672 (a) (1) Child Abuse & neglect Investigations (42 USC, CHAPTER 132, SEC IV Â § 13031) Relative Placement Consideration & Hearings (Section 471 (a) of the Social Security Act (42 U.S.C. 671 (a)...(18) provides that States shall give preference to an adult relative over a non-relative caregiver when determining

a placement for a child provided that the relative caregiver meets all relevant State child protection standards.

“SERVICES TO FAMILIES IN CRISIS – AS MANDATED BY 42 U.S.C. Â § 671 (A) (15) AND 672 (A) (1) – “ AS AGENCY CANNOT BE REIMBURSED FOR THE COST OF A CHILD’S OUT-OF-HOME CARE UNLESS THE REASONABLE EFFORTS REQUIREMENT IS MET.”

PROSPECTIVE APPLICATION ONLY: THE CRIMINAL RECORDS CHECK REQUIREMENT APPLIES ONLY TO FOSTER AND ADOPTIVE PARENTS ONLY IF YOU ACCEPT STATE OF FEDERAL FUNDING LICENSED OR APPROVED AFTER THE DATE OF ASFA’S ENACTMENT 911-19-97) OR THE DELAYED EFFECTIVE DATE IN STATES THAT REQUIRED LEGISLATION TO IMPLEMENT THE PROVISION. The preamble cites a lack of STATUTORY AUTHORITY TO REQUIRE CRIMINAL RECORDS CHECKS FOR NON-TITLE OUT-OF-HOME PLACEMENTS. ( IN OTHER WORDS ONLY IF YOU WANT TO BE APPROVED FOR PLACEMENT OF A CHILD WHO IS TO RECEIVE STATE OR FEDERAL FUNDS).

Attached are documents that show a potential bias and prejudice by some judges. In one committee meeting, a judge from Sedgwick County replied when a representative asked him why he did not place grandchildren with grandparents immediately, the judge stated, “Because if the grandparents raised the “bad parents”, then the grandparents are automatically assumed to be bad parents also.”

In Wyandotte County, a grandparent was told that he (the judge) was sick and tired of grandparents coming into his courtroom asking to raise their grandchildren, when they know they are too old to raise the grandchildren. The grandchildren were given to a non-biological family member/boyfriend of the mother.

We cannot depend on the discretion of the judge and the court to know the best interest of a child they don’t even know nor even met. That is the position and responsibility of the families who have known these children from birth and are more knowledgeable to what is in the best interests of their grandchildren.

Denial of placement with relatives can not be based on hear say it must be adjudicated in a court of jurisdiction.

**The state may not approve or license any prospective foster or adoptive parent if the CRIMINAL RECORDS CHECK REVEALS THAT A COURT OF COMPETENT JURISDICTION HAS EVER CONVICTED THE PROSPECTIVE FOSTER OR ADOPTIVE PARENT OF A FELONY INVOLVING THE FOLLOWING:**

**1. CHILD ABUSE OR NEGLECT:**

**2. SPOUSAL ABUSE;**

**3. ACRIME AGAINST A CHILD OR CHILDREN (INCLUDING CHILD PORNOGRAPH); OR**

**4. A CRIME INVOLVING VIOLENCE, INCLUDING RAPE, SEXUAL ASSAULT OR HOMICIDE.**

**5. But not other physical assault or battery. 45 C.F.R. § 1356.30 (b)**

We have found that some caseworkers work for private contractors, are foster parents and are adoptive parents. This could be a huge opportunity for "conflict of interest", whereas, it may be monetarily in the best interest of the caseworker not to practice and strive for a family preservation outcome.

Statistics shows that in 2008, 59% of the children adopted were adopted to foster homes. In 2009, 57% of the children adopted out were adopted to foster homes. OVER HALF were adopted to strangers/foster homes. I am sure that every one of those children had grandparents who would have loved to have their grandchildren kept in their biological family. Some might say this adoption to foster families is for monetary gains by some agencies and not for the best interest of the children.

WE MUST HAVE THE GRANDPARENTS RECEIVING THE CHILDREN SPELLED OUT SPECIFICALLY IN THE LAW, WITH NO DOUBT TO ITS INTERPRETATION AND ITS PURPOSE. If left up to the judge, there may be personal feelings as a basis for their decisions which would contradict the best interest of the child.

Parents, grandparents, casa workers, caseworkers, etc., have been warned not to speak to legislators, testify in legislative committee meetings, or complaint regarding their cases or they could lose their children again or not get their children back.

REQUIREMENT FOR PHYSICAL AND PSYCHIATRIC EVALUATIONS FOR GRANDPARENTS IS NOT PRODUCTIVE AND USEFUL: This is unneeded (these are not strangers to these children), time consuming, and financially draining to grandparents who have known and cared for these children on a consistent basis all of their lives. If these grandparents have lived a long life and have successfully taken care of the children in the past, I'm sure they are physically capable of caring for the grandchildren in the future. If the grandparents have no criminal record in their long life, they are definitely safe to place the grandchildren in their homes where they are familiar with the surroundings.

In Senate Bill #262, it requires a physical and psych evaluation for grandparents whom these children have known all of their lives and have taken care of the children with no problems, YET, this is not required of foster homes/strangers to these children. The bill is requiring more for family preservation than for the foster parents. It may be a possibility that criminal background checks and prior mental problems of foster parents may not be done correctly and thoroughly as it should be.

The following are the statistics that Kansas gave to HHS regarding the percentage of age groups that were perpetrators of abusing children:

Age 6-19 perpetrators were 16.9%  
Age 20-29 perpetrators were 33.7%  
Age 30-39 perpetrators were 27.5%  
Age 40-49 perpetrators were 13.4%  
Age 50-59 perpetrators were 4%  
Age 60-69 perpetrators were 1.6%  
Age 70-75 perpetrators were .3%

Go to page 79 and 80 of this document on the following link, it gives the age of perpetrators that was reported to the HHS from all the states including Kansas:. Statistics confirm that as a person ages, if they have not been abusive before, they will not be abusive when they are older.  
<http://www.acf.hhs.gov/programs/cb/pubs/cm10/cm10.pdf#page=70>

In speaking in terms of placing children with grandparents when there is an allegation of abuse and the children are removed from their parents' home, my argument would be for grandparents over any foster placement. Statistically looking at these numbers, the odds are that most grandparents wouldn't abuse their grandchildren just based on their age...and the older the better. I would also like to add that if the children are placed with grandparents there is less trauma to the children in the removal, they retain their family traditions, knowledge of their genetic background, the security in knowing where they came from and will have extended biological family members for support. If they still have their family, the children are more likely to become self sufficient citizens and less likely to end up on the streets or in prison (statistics show that inmates in prison has risen from 72% to 80% of inmates have had contact with foster care at one time in their life. 75% of children who have run away and living on the streets are from foster homes.

Typically, when a child is placed with grandparents, they do not have to be drugged with mood altering drugs or need mental therapy, as they do when placed in foster care in order to make them more amiable, pliable in foster care. (I know of a 4 year old boy who had to be placed in a hospital for mental problems for a week.)

Maintaining families is good all around including saving state and federal dollars. That money should be used for individuals that really need it. Why place the stress on the biological family and burden the taxpayers when it is unnecessary.

When children are placed with foster families instead of with grandparents, the taxpayer pay for:

1. Up to \$600.00 per child per month, more money if it is a special needs child.
2. Medicaid for each child
3. Daycare of sometimes over \$800.00 per month.
4. Clothing for the children.
5. Entertainment for the children.
6. Gifts for the children
7. Construction costs for altering the home of the foster parents to accommodate the foster child (sometimes in the tens of thousands of dollars).

When children are adopted by foster homes, the TAXPAYERS pay for the following:

1. An attorney for the foster parents.
2. Mileage to and from the adoption and lawyer proceedings.
3. Construction adjustments to the house of the adoptive parents.
4. Vehicles to accommodate the adoptive parents and adoptive children.

5. Up to \$700.00 per child per month until that adopted child is 18, more money if the child is a special needs child.
6. \$13,000.00 tax dollars cash to the foster home for adopting the child.
7. Foster homes will also claim these children as tax deductions.
8. Medicaid for the adopted child until the child turns 18.

ALL OF THIS IS A BURDEN TO THE TAXPAYER!!!

If the grandchildren are with the grandparents, it relieves the burden on the TAXPAYER. The grandparents receive or do not need or request the following:

1. Most grandparents are retired and do not work and do not need daycare for their grandchildren.
2. Grandparents can receive medical assistance from other sources.
3. Grandparents' house is already set up with clothing and bedrooms for their grandchildren.
4. Grandparents already have vehicles in which they have transported their grandchildren in the past.
5. The children do not need to be drugged because they are in familiar surroundings and their connections to their families have not been broken.
6. Grandparents want NOTHING from the government and taxpayers except to love and care for their grandchildren.
7. The love from their grandchildren.

MY CASE: My two grandsons, ages 3 and 4 years old, had lived with me for 16 months. Every report of my care by KVC, private contractor, was positive, UNTIL they decided to sever the mom's rights. Then KVC caseworker used lies and innuendos (approximately 13 perjured testimony and falsified documents, which I have evidence of) to remove the boys from my home. From what I have found in the Federal CAPTA rules, if the children were in my home, family placement, then KVC could not sever the mom's rights and, therefore, they would lose their federal funding. In fact, in two case planning meetings with KVC, the caseworker and supervisors stated they were severing the mom's rights because they would lose their federal funding if they didn't. In the meetings that is the only reason they gave, not one word that she was an unfit mother.

My background: Worked for the Jackson County Welfare Department for approx. 3 years, worked for the police department for 14 years, owned my own business for 8 years, I own my home with 6 bedrooms and three bathrooms. The KVC caseworker investigating my option to adopt my grandsons stated that I had a wonderful house, with a wonderful backyard made for children, and that she did see that I had extended family support to help with the children. KVC caseworker stated before the mom's rights were severed that I could not adopt my grandsons because of my age and disability (through the police dept.), but yet, every report by her was positive regarding my care of my grandsons. KVC used these perjured statements in court to remove the boys from my home and place them in a foster home that was turned in for child abuse less than a month of receiving my grandsons. During my visits over the next two years (one hour a month), I have pictures and documentation of black eyes, pink eye and croup without doctor care, bruises on butt and spine, swollen lips, knots on head, etc., over 13 instances of abuse, but nothing was done to stop it.

My 4 year old grandson was approved for adoption by the suspected abusive foster home. When I sent repeated e-mails to KVC caseworkers and supervisors asking why I was denied adoption of my grandson, they stated they "would not be discussing it further with me", no reason in writing. I helped deliver my grandson into this world, when the father did not wish to attend, and I was the first person to hold him and my nickname for him was "peanut" because the nurse said he looked like a little peanut wrapped in the baby blanket. I had positive recommendations by my doctor, the pediatrician, school officials, neighbors and a senator and representative.

My other grandson was given by KVC and the judge to his father whose rights were supposed to be severed by KVC stopped it. The father testified that he made deals with KVC caseworker for falsified evidence against the mother in order to get his son. KVC helped the father get off his third probation early from several convictions of domestic violence during the CINC case and placed the child with him. It was proven in court that this father did not have the mental capability of taking care of his son by himself and that he is bi-polar. A 4 month old child died in the home of this father, per Children's Mercy Hospital due to "the baby's inability to thrive in the home environment". My grandson's finger was horribly injured while in this father's care but father did not take him to the doctor until we insisted he do so. It was proven by a therapist in court that my daughter, the mother, could take care of the children without assistance. The therapist also stated that he did not see any signs of drug abuse by the mother (the mother had surgery on both her knees and was taking doctor prescribed pain pills). Even though we requested more drug tests during the CINC case to prove that the mother was not addicted to drugs, KVC only did one drug test in 2 ½ years (and never before any visits with her children) and she passed it. The mother's rights were severed anyway because "she was addicted to drugs" and was the VICTIM of domestic violence. The child was given to the convicted abuser, the husband.

When I filed motions and asked for an evidentiary hearing to present my evidence of KVC caseworker's perjury and falsification of documents to the court, she refused. When I hired a lawyer, motions filed were completely ignored by the judge.

I filed complaints with every state agency here in Kansas and not one of them obtained a transcript of the hearing in which the KVC caseworker committed malfeasants under oath in order to compare by evidence with the transcript. When no one would listen, I filed a federal lawsuit and an injunction to overturn the adoption of my grandson's adoption to the foster home. In answer to my lawsuit, lawyers for the defendants stated that I, as a grandmother, have no Constitutional Rights to my grandsons. They stated that the state of Kansas has a right to do with children whatever they want. It was stated that even though I had had consistent contact with my grandson for 6 years of his life and he had lived with me as his primary caregiver for 16 months, 24 hours a day, that since after he was removed from my home, I was allowed to see him one hour a month for two years (a total of 24 hours in two years), therefore, I was made whole again.....I will never be whole again until my grandson is back in my arms. I have not seen him or my other grandson for approximately a year. I will never forget when he was screaming after being placed in the second foster home. He screamed, "Gamma, don't leave me. I don't want you to leave me." The KVC caseworker basically pushed me out the door and said, "Get out, the sooner the better." Eleven of our family members have had to have mental therapy, including my grandsons' three siblings, since this was done to our family, due to the stress of losing our dearly loved boys..

IF YOU ALLOW THIS LAW TO BE OPEN ENDED AND OPEN TO MISINTERPRETATION AND GIVING JUDGES DESCRESSION IN DECISIONS REGARDING GRANDPARENTS, you will be encouraging treatment of children and grandparents as what I have mentioned above. I have heard grandparents' horror stories all over Kansas. Sometimes caseworkers and judges have the opportunity and may potentially abuse their power. Up until now you, legislators, have not abused your power, YOU HAVE IGNORED YOUR POWER TO STOP THIS KANSAS HOLLOCAUST OF CHILDREN. You have a duty as representatives of the citizens of the State of Kansas to protect their civil rights from being abused and trampled on by "the powers that be" and pass laws that will protect them from this abuse..

YOU represent the citizens, not the government's best interests.

MY SUGGESTIONS FOR CHANGES IN THE BILL ARE AS FOLLOWS:

1. When children are removed from their parents' home, a 5 minute background check a police department in Alert shall be done upon the signing of a rights waiver by the grandparents. Then, if the SRS feels that a more extensive KBI background check is need, it will be done at a later date after the children are reunited with their grandparents.

2. Upon the clearance of the Alert background check, the grandchildren shall be placed in the grandparents' custody until the State deems it safe for the children to return to their parents' home.

3. If parents' rights are severed, the grandparents' rights shall be elevated to the level of the parent, with the grandparents having full rights as afforded parents by the State of Kansas.

4. Grandparents shall adopt the grandchildren, unless it is proven that the grandparents are unfit.

5. Grandparents shall be deemed to be fit both mentally and physically and capable of adopting or placement of their grandchildren if their criminal background checks shows no abuse in the past..

FINAL STATEMENT: GOD GAVE THESE CHILDREN TO THEIR FAMILIES FOR A REASON, HE DID NOT GIVE THEM TO THE STATE. I DO BELIEVE THAT THE TIME HAS COME, THAT GOD HAS HEARD THE CRIES OF THESE (HIS) CHILDREN FOR THEIR LOVING FAMILIES LONG ENOUGH.

PLEASE DO NOT LEAVE THIS BILL OPEN ENDED, IT IS REDUNDANT AND WILL HAVE NO POSITIVE AFFECT REGARDING GRANDPARENTS. Grandparents have long been overlooked in regards to their role in the care and raising of their grandchildren. Today, more than ever grandparents have found themselves in the roles of caregivers to their grandchildren, but, then are shunned and pushed aside when they are deemed unnecessary by the government or their agencies. YOU HAVE THE POWER TO STOP THE KANSAS HOLLOCAUST OF CHILDREN.

Thank you for taking the time to read and listen to my testimony,

Kathy Winters  
Kansas Family Rights Coalition  
913-269-4062

- Attachments:
1. Case law decisions regarding familial placements.
  2. Complaint filed by a citizen regarding the possibility for bias and prejudice by judges in CINC cases.
  3. January and February newsletters from Kansas Family Rights Coalition
  4. Statistics regarding Perpetrators by age..



CASE LAWS REGARDING EXTENDED FAMILIAL PLACEMENT OF CHILDREN:

Arthur T. Vanderbilt, Chief Justice of the Supreme Court of New Jersey, in a foreword to Virtue, Basic Structure for Children's Services in Michigan (1953), p. x: **"In their zeal to care for children neither juvenile judges nor welfare workers can be permitted to violate the CONSTITUTION, especially the CONSTITUTIONAL provisions as to DUE PROCESS that are involved in moving a child from its home. The indispensable elements of due process.**

Over the years millions [431 MOORE v. EAST CLEVELAND, 431 U.S. 494 (1977) Ours is by no means a tradition limited to respect for the bonds uniting the members of the nuclear family. The tradition of uncles, aunts, cousins, and especially grandparents sharing a household along with parents and children has roots equally venerable and equally deserving of constitutional recognition.

U.S. 494, 505] of our citizens have grown up in just such an environment, and most, surely, have profited from it. Even if conditions of modern society have brought about a decline in extended family households, they have not erased the accumulated wisdom of civilization, gained over the centuries and honored throughout our history, that supports a larger conception of the family. Out of choice, necessity, or a sense of family responsibility, it has been common for close relatives to draw together and participate in the duties and the satisfactions of a common home. Decisions concerning child rearing, which Yoder, Meyer, Pierce and other cases have recognized as entitled to constitutional protection, long have been shared with grandparents or other relatives

While we support the rights of grandparents to have the right to petition the courts for visitation of their grandchildren the wording should be such as to enable the child's right to maintain established relationships and when it is in the best interest of the child. At no time do we want any language that would cast doubt on the authority of the courts to protect and promote the stability of over 5,000,000 children residing with kin and extended family. In many circumstances, policies recognizing and supporting such relationships function to promote rather than undercut constitutional values of family autonomy. The state's role in protecting and preserving family relationships is qualitatively different from other forms of state intervention. State Courts and legislatures should be free to protect and foster children's family relationships by developing family law statutes and case law that balance the needs, rights and interest of all parties. Although the term "family" is nowhere mentioned in the U.S. Constitution, this US Supreme Court has interpreted the scope of the "Liberty" protected by the fourteenth Amendment as reaching the rights to marry and raise a family, Loving v. Virginia, 388 U.S. 1 (1967) (fundamental right to marry): Zablocki v. Redhail, 434 U.S. 645 (1978) (same) See also Meyer v. Nebraska, 262 U.S. 390

(1923) (recognizing that the family and not the state is responsible for child rearing): *Stanley v. Illinois*, 405 U.S. 645 (1972) (protecting children's family relationship with unmarried biological father): *Wisconsin v. Yoder*, 406 U.S. 645 (1972) (parents' rights to inculcate religious values). These cases have generally involved a conflict between the family and the state over educational, medical or police power intrusions. Their message is one of protecting the family intrusive state intervention. While many of the Court's family autonomy cases involved parents, the court has recognized autonomy and privacy rights in other family relationships. One of the earliest cases discussing family autonomy, *Prince v. Massachusetts*, 321 U.S. 158 (1944) involved an aunt and her niece. In *Moore v. City of East Cleveland*, 431 U.S. 494 (1977) , the court accorded constitutional protection to a grandmother and her grandsons.

The American Families come in many shapes and sizes, and anthropologists remind us that the nuclear family, "the one considered 'normal' or natural' to is in fact no more normal or natural than any other." Customs and practices vary among the many ethnic and cultural groups comprising our society.

Extended families are important to children from every ethnic and racial community. The latest reports indicate that over 5,000,000 children are living in homes of relatives. In the last decade, the estimated number of children being raised in both formal and informal kinship arrangements rose from 2,000,000 to over 5,000,000. To put these data in perspective, approximately six times as many children are living with extended family as are currently being cared for by the state, in foster homes and institutional settings. Without the resources of grandparents and other kin, the numbers of children in state care would grow exponentially. For these families, the values of constitutional privacy and family autonomy are served by laws that protect extended and informal families ties.

Commission on Judicial Qualifications  
Kansas Judicial Center, Room 374  
301 S.W. Tenth Avenue  
Topeka, Kansas 666121507

December 21, 2011

RE: Judges giving personal endorsement of KVC (a private contractor)

It has been brought to my attention that the below two Judges:

- 1) Honorable Daniel Mitchell (Shawnee County District Judge)
- 2) Honorable Kathleen Sloan (Johnson County District Judge)

are in violation of the Rules Relating To Judicial Conduct, Rule 601A.

In reviewing the 2010 annual public report of KVC, the above two Judges have given their personal endorsement for this private contractor. See KVC 2010 public report at: <http://www.kvc.org/home/about-us/news/annual-reports>

Statements in the KVC report:

Judge Daniel Mitchell - *"From my perspective, KVC is top-notch and first class in its delivery of service and resources. The sincerity and professionalism of KVC is amazing. I am truly appreciative of all that KVC does on behalf of children."* (Page 28 of the 2010 KVC annual public report - attached)

Judge Kathleen Sloan - *"I feel really good about my working relationship with KVC, said Judge Sloan. "Everybody is so responsive, the case managers, the workers, if you ask KVC to do something, they get it done." "KVC steps forward and comes up with a good program. They are on it."* (Page 29 of the 2010 KVC annual public report attached)

Attached are two pages taken from the KVC 2010 annual public report, which can also be seen at the web site above.

KVC is a private company that works with the Kansas Department of Social and Rehabilitation Services (SRS) which initiated the privatization of the state's child welfare services. KVC is listed on the web site of the Kansas Secretary of State; Business Entity ID number 0259192. KVC previously known as KAW Valley Center, Inc. and Wyandotte House, now goes by the name of KVC Behavioral Healthcare, Inc.

These personal endorsements by these Judges are in direct violation of Rule 601A. Specifically: Canon 1 (A Judge Shall Uphold the Integrity and Independence of the Judiciary)

Cannon 1, Page 6, paragraph B. "A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge."

Likewise, under Cannon 1, Page 6, last paragraph. "A judge must avoid lending the prestige of judicial office for the advancement of the private interests of others."

What makes this matter worse, is that KVC has numerous employees that are involved with families in these Judges courtrooms. For these Judges to come out publically and personally endorse KVC is granting special consideration for these KVC employees. These KVC employees testify before these judges and are sometimes called into question.

As for my own personal case of 08JC0509 before Judge Sloan, KVC was involved with this case and even testified before Judge Sloan. Had I known of the bias relationship between Judge Sloan and KVC, I was have brought this bias before the court and asked for a new judge.

The endorsements of these Judges needs to be removed from the 2010 KVC annual public report as soon as possible. Unfortunately, just removing the endorsements from the KVC annual report does not solve the problem. These Judges have already made it known publically that they favor KVC. These Judges should not be allowed to hear any further cases that involve KVC due to their bias position.

If you have any question about the above, please do not hesitate to contact me.

Very Truly Yours,

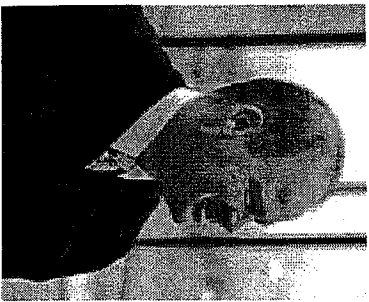
*Robert Sokol*

Robert Sokol  
10340 West 157<sup>th</sup> Terrace  
Overland Park, KS 66221  
rsokol@afiks.com

Enclosures

cc: Committee For Judicial Ethics  
cc: Fathers and Families  
cc: Parents and Children's Justice  
cc: The Pitch Newspaper

# These judges represent jurists across the country who work with KVC to make strong decisions for children and families.



*Honorable Daniel Cahill*

Wyandotte County District Court Judge Daniel Cahill appears to be a quiet, soft-spoken man. But don't let that low-key demeanor fool you. Judge Cahill is a man of force, making decisions in one of the largest counties in Kansas.

Each November, however, Judge Cahill puts aside the tribulations that come with trials and spends a Saturday morning making families whole. It is all smiles on National Adoption Day when the judge enters the courtroom to finalize the adoption of a child. In 2009, one of the children was a 17-year-old boy, and another was an infant.

Cahill's dedication to children and families runs deep. Each December he serves on the Judges' panel at the KVC Resource Family Conference and explains to foster and adoptive families the whys and hows behind some of his decisions:



*Honorable Daniel Mitchell*

Shawnee County District Court Judge Daniel Mitchell was appointed to the bench in 1985 by Kansas Governor John Carlin.

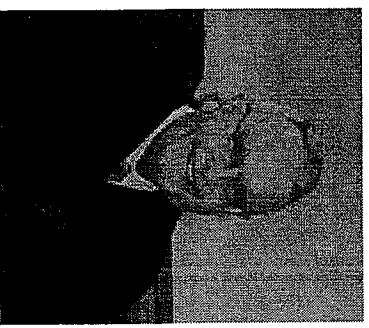
The opening was a Juvenile Court assignment. "If I am appointed, that will be my career because that is where I want to serve," he told the Governor.

"Working in juvenile Court — you either love or hate it. I enjoy working with children and families and working to find what is in the best interest of the child. Children deserve the opportunity to grow and develop to their fullest potential. Every child deserves that."

"From my perspective, KVC is top-notch and first class in its delivery of services and resources. The sincerity and professionalism of KVC employees is amazing. I am truly appreciative of all that KVC does on behalf of children."

Judge Mitchell feels rewarded when someone comes back and thanks him for his help. "Just this morning, I saw a young woman in court who said, 'I was before your court at age five. It was a case of abuse and neglect. I still remember that you cared what happened to me.' I just looked at her and said, 'I still care.'"

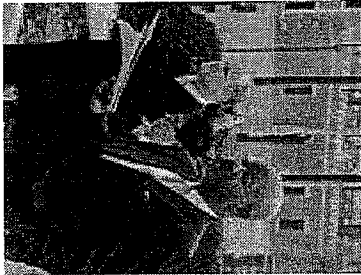
"We do make some progress. We have made some families whole."



**Robin Colerick, Judge Daniel Cahill and Angel Colerick on the day of Angel's adoption**



**Judge Daniel Mitchell congratulates a family on National Adoption Day in Shawnee County.**



**Judges Daniel Cahill and Kathleen Lynch along with Guardian Ad Litem Vernon Lewis welcome adoptive families to the National Adoption Day ceremonies in Wyandotte County.**



### *Honorable Kathleen Sloan*

The Honorable Kathleen Sloan will tell you that National Adoption Day is her favorite day of the year. It is on this Saturday in November that Johnson County District Court Judge Sloan finalizes multiple adoptions to bring attention to the need for more permanent families.

"I feel really good about my working relationship with KVC," said Judge Sloan. "Everybody is so responsive, the case managers, the workers. If you ask KVC to do something, they get it done."

An example of that quick reaction is KVC's development of the JIREAD Program. When Judge Sloan was frustrated about sending runaway girls 300 miles west to a safe facility, KVC trained key foster parents on how to care for and monitor these youth. "KVC steps forward and comes up with a good program. They are on it."

This November, along with celebrating National Adoption Day, Judge Sloan will commemorate her sixth year on the bench.

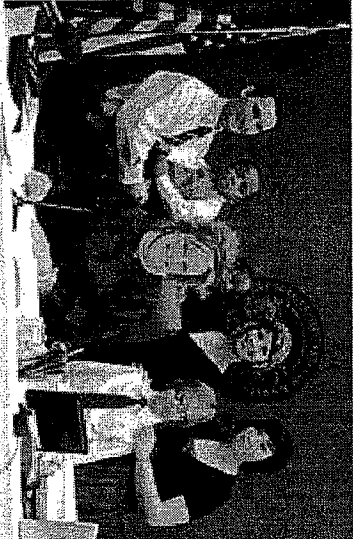


### *Honorable Jean Shepherd*

Judge Jean Shepherd is a strong advocate for families and children. She sets high standards and makes clear her expectations of service providers in the community. She also stresses the importance of effective collaboration and continued commitment among educators and providers, including KVC.

"I've seen some wonderful growth and changes in KVC since the beginning of privatization," said Judge Shepherd. "They have demonstrated a strong commitment to the children they serve."

Judge Shepherd helped establish the state's first Citizen Review Board in Douglas County. She also helped found the county's Court Appointed Special Advocates (CASA). Volunteers for both groups help advocate for abused children who have to appear in court, and the volunteers review cases and help judges decide where to place the children. After 27 years of service, Judge Shepherd plans to retire in early 2011.



Judge Sloan with the Gubbage family



Area judges spoke to parents at the annual Resource Family Conference.

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*Because family matters!*

Kansas Family Rights Coalition  
January 2012

**Kansas Family Rights Coalition:**

Don and Phyllis Porter, PCJustice Advocate  
<http://pcjustice.wordpress.com>  
[iamdonporter@gmail.com](mailto:iamdonporter@gmail.com)

Donna Roberts ACRA, Child Advocate  
[ACHildsRights@att.net](mailto:ACHildsRights@att.net)

Marlene Jones, Activist/Advocate  
[CincUnconstitutional@gmail.com](mailto:CincUnconstitutional@gmail.com)

Kathy Winters, Grandparent Advocate  
[kathywinters05@yahoo.com](mailto:kathywinters05@yahoo.com)

AngelFury@AngelFury.org Activist  
<http://www.angelfury.org>

PMA ~ Kansas Chapter Leader  
[KansasPMA@gmail.com](mailto:KansasPMA@gmail.com)

Elisa Breitenbach, Activist/Advocate  
[ElisaB55@att.net](mailto:ElisaB55@att.net)

Justice For Families For Change, Advocate  
[JusticeForFamiliesForChange@gmail.com](mailto:JusticeForFamiliesForChange@gmail.com)

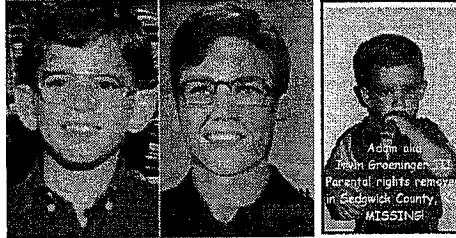
[ChangingKansas@gmail.com](mailto:ChangingKansas@gmail.com)  
<http://changingkansas.blogspot.com>

**UPCOMING LEGISLATION:**

Donna Roberts, ACRA, A Childs Rights Advocate, will be re-submitting the Protective Parent Reform Act to keep parents from losing custody of their children after reporting abuse.



**Remembering Adam Herrman,  
born Irvin Groeninger III,  
has been missing since May 1999, almost 13 years**



Adam's adoptive Parents, Doug and Valerie Herrman went to prison for collecting adoption subsidies from the state and never reporting Adam missing.

**Kansas Laws CINC**

**Child In Need Of Care:**

KSA 38-2231 Law enforcement can place a child in protective custody if LEO reasonably believes the child will be harmed

KSA 38-2242 (2) No child shall be kept in protective custody longer than 72 hours, excluding weekends and holidays

KSA 38-2214 Duties of county or district attorney

KSA 38-2234 Pleadings made by the DA and facts of the case

KSA 38-2250 Degree of proof. The petitioner must prove by clear and convincing evidence that the child is a child in need of care

KSA 38-2251 If that burden is not met, the court must dismiss the proceedings

KSA 38-2251(c) A final adjudication or dismissal of a CINC petition must be entered within sixty days of when the petition was filed, unless good cause for a continuance is shown on the record

**2008, The Year the Sedgwick County DA admitted to filing boiler plate petitions. Taken from the Wichita Eagle**

"Sedgwick County DA Nola Foulston and Ron Paschal, a deputy district attorney, told parents that court cases have to be filed soon after a child is removed, and often end up with "boilerplate" paragraphs when filed. Lawyers for the families can advocate to have those documents changed, Paschal pointed out. "But I've asked my court appointed attorney to do that, and he didn't," one mother said. "But that's a problem with your attorney," Foulston said."



**UPCOMING LEGISLATION:**  
Many Thanks to AG Derek Schmidt for recommending child protection laws including the following:

Strengthen prohibition on sexual contact between foster parents and foster children:  
Expand the crime of Unlawful Sexual Relations to include foster parents and contractors in the definition of "position of trust."

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Kansas Family Rights Coalition  
January 2012

ALARM! According to Kansas' own records, children are being placed in the homes of abusers.

Reunification: It's unethical and a conflict of interest that Youthville employees are fostering and adopting Kansas children. Youthville employees attend hearings, makes recommendations to the court on placement, schedule parent/child time, and failed to reunify the "standard" 69% of the children within the first 12 months.

**Children are being placed in the homes of abusers, PERFORMANCE AUDIT REPORT, Dated July 2011, Foster Care: Reviewing Selected Issues Related to Compensation and Oversight of Foster Care Contractors**

On Page 28 of the report it showed that the child's goal kept changing due to the circumstances of his father who was convicted for child endangerment and arrested for sexual abuse... the child and his sisters were reintegrated with their father after he was released from prison.

**"SRS management takes a hands-off approach to overseeing contractors."**

"One SRS staff member said "we just check boxes." "Another staff member said that staff aren't comfortable giving their opinions because SRS central office has told them not to do so."

**Youthville does not meet the standard for reunification.**

Within the first 12 months of removal, the standard is that 69.9% of children are to be reunified with their parents. Youthville has not met this standard, only 31-46% were reunified.

[http://www.kansas.gov/postaudit/audits\\_perform/r-11-011.pdf](http://www.kansas.gov/postaudit/audits_perform/r-11-011.pdf)

#### **FY2012 Percent Reunified, July 1st, 2011 to Nov 30th, 2011**

Kansas served 6,388 children, reunified 833 children, **13% were reunified**, average length of stay 18.1 months  
Sedgwick County served 1,060, reunified 88 children, **8% were reunified**, average length of stay 22.6 months  
**National Average 51%** were reunified with their families, average length of stay 13.5 months

<http://www.srs.ks.gov/agency/cfs/Documents/FY2012DataReports/ServedinSRScustody/OOHPChildrenServedSFY2012.pdf>

<http://www.srs.ks.gov/agency/cfs/Documents/FY2012DataReports/ServedinSRScustody/LengthofstayFY2012.pdf>

[http://www.acf.hhs.gov/programs/cb/stats\\_research/afcars/tar/report18.htm](http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report18.htm)

#### **FY2011 Percent Reunified, July 1st, 2010 to June 30th, 2011**

Kansas served 8,264 children, reunified 1,874 children, **22% were reunified**, average length of stay 19.6 months  
Sedgwick County served 1,453 children, reunified 247, **16% were reunified**, average length of stay 24.7 months

<http://www.srs.ks.gov/agency/cfs/Documents/FY2011DataReports/ServedinSRScustody/OOHPChildrenServedSFY2011.pdf>

<http://www.srs.ks.gov/agency/cfs/Documents/FY2011DataReports/ServedinSRScustody/LengthofstayFY2011.pdf>

#### **FY2010 Percent Reunified, July 1st, 2009 to June 30th, 2010**

Kansas served 8,275, reunified 1,720 children, **20% were reunified**, average length of stay 24 months  
Sedgwick County served 1,542, reunified 180 children, **11% were reunified**, average length of stay 39 months

<http://www.srs.ks.gov/agency/cfs/Documents/FY2010DataReports/ServedinSRScustody/OOHPChildrenServedSFY2010.pdf>

<http://www.srs.ks.gov/agency/cfs/Documents/FY2010DataReports/ServedinSRScustody/LengthofstayFY2010.pdf>



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*Because family matters!*

Kansas Family Rights Coalition  
February 2012

## REMEMBERING 9 YEAR OLD BRIAN EDGAR WHO WAS BOUND GAGGED AND MURDERED BY HIS ADOPTIVE FAMILY

The Wyandotte County coroner, Dr. Alan Hancock, said Bryan Edgar died after gagging on cloth, possibly a sock. His mouth had been taped shut. Hancock also said bruise marks suggest the boy had been restrained with a belt. "It appears that the children were bound with some type of wire or plastic cord or maybe even had their mouths taped at night when they went to bed," Tomasic said. "All night long, (the parents) kept them that way." Read more here <http://www.kmbc.com/news/1863248/detail.html> and here <http://www.kmbc.com/news/2511989/detail.html>



ADOPTED CHILD BRIAN EDGAR AGE 9 WAS BOUND GAGGED AND MURDERED BY HIS BEST INTEREST "PARENTS" ADOPTIVE FATHER WAS A MINISTER

### Kansas Family Rights Coalition:

Don and Phyllis Porter, PCJustice Advocate  
<http://pcjustice.wordpress.com>  
[iamdonporter@gmail.com](mailto:iamdonporter@gmail.com)

Donna Roberts ACRA, Child Advocate  
[ACHildsRights@att.net](mailto:ACHildsRights@att.net)

Marlene Jones, Activist/Advocate  
[CincUnconstitutional@gmail.com](mailto:CincUnconstitutional@gmail.com)

Kathy Winters, Grandparent Advocate  
[kathywinters05@yahoo.com](mailto:kathywinters05@yahoo.com)

AngelFury@AngelFury.org Activist  
<http://www.angelfury.org>

PMA ~ Kansas Chapter Leader  
[KansasPMA@gmail.com](mailto:KansasPMA@gmail.com)

Elisa Breitenbach, Activist/Advocate  
[ElisaB55@att.net](mailto:ElisaB55@att.net)

Justice For Families For Change, Advocate  
[JusticeForFamiliesForChange@gmail.com](mailto:JusticeForFamiliesForChange@gmail.com)

ChangingKansas@gmail.com  
<http://changingkansas.blogspot.com>

### Jan. 2012, Citizens spoke before the South Central Delegation:

Glen Burdue, Even one child needlessly traumatized or abused while in the SRS system is too many:  
<http://www.youtube.com/watch?v=ZcHPvYmp7ZA>

Donna Roberts, ACRA, The Shameful Secret In Our Own Backyard: <http://www.youtube.com/watch?v=D0f5s6fj3zM>

Marlene Jones, Penn State Sandusky Scandal Has Nothing On Sedgwick County: <http://www.youtube.com/watch?v=3gvRUjZt-mY>

Val Stockemer, Protective Parent, Parental Rights Terminated After Reporting Abuse: <http://www.youtube.com/watch?v=bfcfzGipw58>

Wendell Turner, Grandparent, had to argue with Youthville to keep his children out of Rick Pendland's home  
<http://www.youtube.com/watch?v=5zeSTEUBvDk>

Attorney Misconduct/Malpractice? To file a complaint, see address and link below.



DISCIPLINARY ADMINISTRATOR  
701 Jackson Street  
First Floor  
Topeka, KS 66603-3729  
<http://www.kscourts.org/rules-procedures-forms/attorney-discipline/complaints.asp>

### The State's Hired Help

Dec. 2011, Kirk Ferguson Lawrence, KS "Child Protector" "Counselor"



**Charged With Sex Crimes**  
LAWRENCE, Kan. — A man who worked with troubled and homeless teens has been charged with sex crimes against two of the teens he was supposed to help.

Kirk Ferguson, 46, faces three charges including aggravated and indecent liberties with a child and criminal sodomy. According to police documents, the alleged crimes took place starting in October, when he was working at the Shelter, Inc. in Lawrence. <http://fox4kc.com/2012/01/13/counselor-for-homeless-teens-charged-with-sex-crimes/>

### The State's Hired Help

Rick Pendland, former Youthville Employee, Foster Parent, Wichita Children's Home Employee and Teacher was arrested Sept 2011 on multiple child molestation charges <http://www.gctelegram.com/news/MCT-Cowlex-County-sex-crimes-10-1-11>



### Boy Stabbed With Nail At The Wichita Children's Home

Jan 28, 2012  
A 17-year-old boy was taken to Wesley Medical Center in serious condition after he was stabbed



with a nail in the chest at the Wichita Children's Home.  
<http://www.kansas.com/2012/01/28/2194237/boy-stabbed-with-nail-at-childrens.html#storvlink=cpy>



Kansas Family Rights Coalition  
January 2012

**DR. C. Bradley Thompson, spoke in  
Wichita, KS, Sept 15, 2010**



**American Children  
Taken By Force**

"From the time the children are 5 or 6 years old, until they are at least 16, you are required by law to send them to a school. Failure to comply with these laws means that you can be harassed, interrogated, and your home raided by government officials. You can be fined and jailed, and eventually your children can be taken from you, put in the care of government social services workers, evaluated by government psychologists and forced against your will and theirs to attend a government school until they are 18. In recent years, police officers and social services workers around America have forcibly entered homes of families without warrants, guns drawn, strip searched and interrogated the children in rooms away from their parents and in some cases taken the children and put them in foster care."

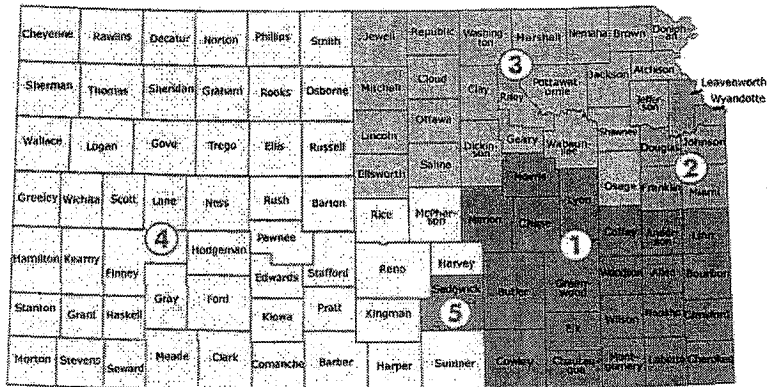
Watch the video here: <http://www.youtube.com/watch?v=bpODpevT724>

**Where Are The Foster Children Being Placed? The Annie E Case Foundation and USA Census Found**

With respect to socioeconomic measures, analysis shows that compared to all households with children, households with foster children are:

- More likely to be low-income families
- Have lower average household income
- More likely to receive public assistance income
- More likely to have a householder or spouse who did not complete high school
- More likely to have a householder or spouse who did not work the previous year
- Less likely to have a householder or spouse who worked full time in the previous year

2 <http://www.aecf.org/~media/PublicationFiles/FosterChildrenJuly2508.pdf>



Foster Care Provider Regions

- 1. TFI (The Farm Incorporated) Family Services
- 2. KVC (Kaw Valley Center) Behavioral Health Care
- 3. TFI Family Services <http://www.srs.ks.gov/services/Pages/MapFamilyPreservation.aspx>
- 4. St. Francis Community Services
- 5. United Methodist Youthville

**Kansas SRS Foster Care Regions**

How does your region rate to other regions and nationally on children reunified with their parents and the average length of stay in foster care?

**FY 2011 PERCENTAGE OF REUNIFIED/LENGTH OF STAY IN OOHP**

Nationally, 51% reunified, 13.5 months in out of home placement  
 Kansas, 22% reunified, average 19.6 months in out of home placement  
 Region 1, 24% reunified, average 16.8 months in out of home placement  
 Region 2, 21% reunified, average 19 months in out of home placement  
 Region 3, 25% reunified, average 17.7 months in out of home placement  
 Region 4, 25% reunified, average 18.3 months in out of home placement  
 Region 5, 16% reunified, average 24.7 months in out of home placement  
<http://www.srs.ks.gov/agency/cfs/Documents/FY2011DataReports/ServedinSRScustody/OOHPChildrenServedSFY2011.pdf>  
<http://www.srs.ks.gov/agency/cfs/Documents/FY2011DataReports/ServedinSRScustody/LenofthstafFY2011.pdf>  
[http://www.acf.hhs.gov/programs/cv/stais\\_research/afcars/tar/report13.htm](http://www.acf.hhs.gov/programs/cv/stais_research/afcars/tar/report13.htm)

**FY 2010 PERCENTAGE OF REUNIFIED/LENGTH OF STAY IN OOHP**

Nationally, 51% reunified, 15.4 months in out of home placement  
 Kansas, 20% reunified, average 19.4 months in out of home placement  
 Region 1, 25% reunified, average 15.1 months in out of home placement  
 Region 2, 22% reunified, average 21.7 months in out of home placement  
 Region 3, 25% reunified, average 14.7 months in out of home placement  
 Region 4, 24% reunified, average 16.7 months in out of home placement  
 Region 5, 11% reunified, average 30.7 months in out of home placement  
<http://www.srs.ks.gov/agency/cfs/Documents/FY2010DataReports/ServedinSRScustody/LenofthstafFY2010.pdf>  
<http://www.srs.ks.gov/agency/cfs/Documents/FY2010DataReports/ServedinSRScustody/OOHPChildrenServedSFY2010.pdf>  
[http://www.acf.hhs.gov/programs/cv/stais\\_research/afcars/tar/report17.htm](http://www.acf.hhs.gov/programs/cv/stais_research/afcars/tar/report17.htm)



There was an old woman...

**Reno County, KS Eight year old girl is abused & coerced by the Riley County Police Department**

Sunday, February 5, 2012 3:40 PM

**Reno County, KS Eight year old girl is coerced by the Riley County Police Department**

The eight year old child was lied to, intimidated, coerced, and the "professionals" insinuated that she was a liar. That is what the state calls using "finding words" to interrogate a child. - more like putting words in a child's mouth...

After 1 hour 45 minutes the child is let go. Thank goodness this family was kept intact. Now, six years later they have released this information.

*there are 3 youtube uploads and they have a website also*

[http://www.youtube.com/watch?v=KKZ-ToTPnsE&feature=mfu\\_in\\_order&list=UL](http://www.youtube.com/watch?v=KKZ-ToTPnsE&feature=mfu_in_order&list=UL)

The Broken Arm, By Matthew Brown (9nth grade essay, a few years ago)

*This is the brother of the eight year old girl who was interrogated in Reno County.*

Matthew wrote, ""After that terrible, terrible February 11th, we had been in foster care for three days before we were finally allowed to see our parents. They had won their case ( but at the cost of my mom losing her business ). I remember sitting in my fathers lap, as watching him cry for the very first time. I could tell how happy my parents were to see us again, and I knew that they loved me. This had been one of the saddest and hardest times of my life. I don't think that I will ever forget that moment"" <http://lindawb.wordpress.com/the-broken-arm-by-matthew-brown-editors-note-this-happened-when-matthew-was-10-and-he-wrote-about-it-as-an-essay-assignment-for-school/>

Table 5-2 Perpetrators by Age, 2010 (unique count)

State	> 6-19		20-29		30-39		40-49	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alabama	848	10.8	2,845	36.1	2,099	26.6	820	10.4
Alaska	82	3.8	823	38.2	690	32.0	376	17.4
Arizona	248	4.0	2,373	38.1	2,198	35.3	991	15.9
Arkansas	1,012	10.1	3,582	35.6	2,859	28.4	1,318	13.1
California	3,141	5.2	20,075	33.5	19,909	33.3	10,923	18.2
Colorado	629	7.3	3,002	35.0	2,812	32.7	1,328	15.5
Connecticut	310	3.8	2,782	34.2	2,571	31.6	1,650	20.3
Delaware	87	5.3	616	37.3	540	32.7	314	19.0
District of Columbia	62	3.1	663	32.8	674	33.3	325	16.1
Florida	1,127	3.0	14,525	39.0	12,241	32.9	6,355	17.1
Georgia								
Hawaii	44	3.2	456	32.7	458	32.8	286	20.5
Idaho	48	3.6	515	38.6	471	35.3	239	17.9
Illinois	1,535	8.0	7,716	40.3	5,958	31.1	2,677	14.0
Indiana	1,639	9.3	6,783	38.6	5,216	29.7	2,088	11.9
Iowa	550	5.6	3,882	39.8	3,250	33.4	1,337	13.7
Kansas	205	16.9	408	33.7	333	27.5	163	13.4

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Table 5-2 Perpetrators by Age, 2010 (unique count)

State	50-59		60-69		70-75		Unknown		Total Unique Perpetrators
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Alabama	289	3.7	79	1.0	906	11.5			7,886
Alaska	94	4.4	23	1.1	11	0.5	58	2.7	2,157
Arizona	292	4.7	64	1.0	7	0.1	49	0.8	6,222
Arkansas	447	4.4	172	1.7	36	0.4	635	6.3	10,061
California	3,137	5.2	785	1.3	292	0.5	1,596	2.7	59,858
Colorado	387	4.5	99	1.2	18	0.2	312	3.6	8,587
Connecticut	473	5.8	164	1.3	29	0.4	219	2.7	8,138
Delaware	71	4.3	19	1.2	4	0.2			1,651
District of Columbia	115	5.7	23	1.1	2	0.1	158	7.8	2,022
Florida	2,147	5.8	601	1.6	145	0.4	71	0.2	37,212
Georgia									
Hawaii	89	6.4	28	2.0	7	0.5	27	1.9	1,395
Idaho	44	3.3	15	1.1	3	0.2			1,335
Illinois	797	4.2	173	0.9	65	0.3	238	1.2	19,159
Indiana	655	3.7	172	1.0	67	0.4	944	5.4	17,564
Iowa	377	3.9	76	0.8	18	0.2	253	2.6	9,743
Kentucky	48	1.0	19	1.6	4	0.3	32	2.6	1,212