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From the legislative desk of Senator Nancy Schaefer 50th District of Georgia

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THE CORRUPT BUSINESS OF CHILD PROTECTIVE SERVICES

BY: Nancy Schaefer
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My introduction into Child Protective Service cases was due to a grandmother in an adjoining state who called me with her tragic story. Her two granddaughters had been taken from her daughter who lived in my district. Her daughter was told wrongly that if she wanted to see her children again she should sign a paper and give up her children. Frightened and young, the daughter signed. I have since discovered that parents are often threatened into cooperation of permanent separation of their children.

The children were taken to another county and placed in foster care. The foster parents were told wrongly that they could adopt the children. The grandmother then jumped through every hoop known to man in order to get her granddaughters. When the case was finally heard in court, it was made evident by one of the foster parent's children that the foster parents had, at any given time, 18 foster children and that the foster mother had an inappropriate relationship with a caseworker.

In the courtroom, the juvenile judge, acted as though she was shocked and said the two girls would be removed quickly. They were not removed. Finally, after much pressure being applied to the Department of Family and Children Services of Georgia (DFCS), the children were driven to South Georgia to meet their grandmother who gladly drove to meet them.

After being with their grandmother two or three days, the judge, quite out of the blue, wrote up a new order to send the girls to their father, who previously had no interest in the case and who lived on the West Coast. The father was in “adult entertainment”. His girlfriend worked as an “escort” and his brother, who also worked in the business, had a “sexual charge brought against him”.

Within a couple of days the father was knocking on the grandmother’s door and took the girls kicking and screaming to California.

The father developed an unusual relationship with the former foster parents and soon moved to the southeast. The foster parents began driving to the father’s residence and picking up the little girls for visits. The oldest child had told her mother and grandmother on two different occasions that the foster father molested her.

To this day after five years, this loving, caring blood relative grandmother does not have visitation privileges with the children. The little girls are, in my opinion, permanently traumatized and the young mother of the girls was so traumatized with shock when the girls were first removed from her that she has never completely recovered. The mother has rights but the father still has custody of the children.

Throughout this case and through the process of dealing with multiple other mismanaged cases of the Department of Family and Children Services (DFCS), I have worked with other desperate parents across the state of Georgia and in many other States because their children were taken for no cause and they have no one with whom to turn. I have witnessed ruthless behavior from many caseworkers, social workers, investigators, lawyers, judges, therapists, and others such as those who “pick up” the children. I have been stunned by what I have seen and heard from victims all across this land.

In this report, I have focused mainly on the Georgia Department of Family and Children Services (DFCS). However, I believe Child Protective Services nationwide has become corrupt and that the entire system is broken beyond repair. I am convinced parents and families should be warned of the dangers.

The Department of Child Protective Services, known as the Department of Family and Children Services (DFCS) in Georgia and other titles in other states, has become a “protected empire” built on taking children and separating families. This is not to say that there are not those children who do need to be removed from wretched situations and need protection. However, this report is concerned with the children and parents caught up in “legal kidnapping,” ineffective policies, and an agency that on certain occasions would not remove a child (or children) when the child was enduring torment and abuse.

In one county in my District, I arranged a meeting for thirty-seven families to speak freely and without fear. These poor parents and grandparents spoke of their painful, heart

wrenching encounters with DFCS. Their suffering was overwhelming. They wept and cried. Some did not know where their children were and had not seen them in years. I had witnessed the “Gestapo” at work and I witnessed the deceitful conditions under which children were taken in the middle of the night, out of hospitals, off of school buses, and out of homes. In one county a private drug testing business was operating within the agency’s department that required many, many drug tests from parents and individuals for profit. It had already made over \$100,000.

Due to being exposed, several employees in this particular office were fired. However, they have now been rehired either in neighboring counties or in the same county again. According to the calls I am now receiving, the conditions in that county are returning to the same practices that they had before the light was shown on their evil deeds.

Having worked with probably 300 cases statewide, and now hundreds and hundreds across this nation and in nearly every state, I am convinced there is no responsibility and no accountability in Child Protective Services system.

I have come to the conclusion:

- that poor parents very often are targeted to lose their children because they do not have the where-with-all to hire lawyers and fight the system. Being poor does not mean you are not a good parent or that you do not love your child, or that your child should be removed and placed with strangers;
- that all parents are capable of making mistakes and that making a mistake does not mean your children are to be removed from the home. Even if the home is not perfect, it is home; and that’s where a child is the safest and where he or she wants to be, with family;
- that parenting classes, anger management classes, counseling referrals, therapy classes and on and on are demanded of parents with no compassion by the system even while the parents are at work and while their children are separated from them. (some times parents are required to pay for the programs) This can take months or even years and it emotionally devastates both children and parents. Parents are victimized by “the system” that makes a profit for holding children longer and “bonuses” for not returning children to their parents;
- that caseworkers and social workers are very often guilty of fraud. They withhold and destroy evidence. They fabricate evidence and they seek to terminate parental rights unnecessarily. However, when charges are made against Child Protective Services, the charges are ignored;

- that the separation of families and the “snatching of children” is growing as a business because local governments have grown accustomed to having these taxpayer dollars to balance their ever-expanding budgets;
- that Child Protective Services and Juvenile Court can always hide behind a confidentiality clause in order to protect their decisions and keep the funds flowing. There should be open records and “court watches”! Look who is being paid!

There are state employees, lawyers, court investigators, guardian ad litem, court personnel, and judges. There are psychologists, and psychiatrists, counselors, caseworkers, therapists, foster parents, adoptive parents, and on and on. All are looking to the children in state custody to provide job security. Parents do not realize that the social workers are the glue that hold “the system” together that funds the court, funds the court appointed attorneys, and the multiple other jobs including the “system’s” psychiatrists, therapists, their own attorneys and others.

- that The Adoption and the Safe Families Act, set in motion first in 1974 by Walter Mondale and later in 1997 by President Bill Clinton, offered cash “bonuses” to the states for every child they adopted out of foster care. In order to receive the “adoption incentive bonuses” local child protective services need more children. They must have merchandise (children) that sells and you must have plenty so the buyer can choose. Some counties are known to give a \$4,000 to \$6,000 bonus for each child adopted out to strangers and an additional \$2,000 for a “special needs” child. Employees work to keep the federal dollars flowing;
- State Departments of Human Resources (DHR) and affiliates are given a baseline number of expected adoptions based on population. For every child DHR and CPS can get adopted, there is the bonus of \$4,000 or maybe \$6,000. But that is only the beginning figure in the formula in which each bonus is multiplied by the percentage that the State has managed to exceed its baseline adoption number. Therefore States and local communities work hard to reach their goals for increased numbers of adoptions for children in foster care.
- that there is double dipping. The funding continues as long as the child is out of the home. There is funding for foster care then when a child is placed with a new family, then “adoption bonus funds” are available. When a child is placed in a mental health facility and is on 16 drugs per day, like two children of a constituent of mine, more funds are involved and so is Medicaid;
- As you can see this program is ordered from the very top and run by Health and Human Resources. This is why victims of CPS get no help from their legislators. It explains why my bill, SB 415 suffered such defeat in the Judicial Committee, why I was

cut off at every juncture. Legislators and Governors must remember who funds their paychecks.

- that there are no financial resources and no real drive to unite a family and help keep them together or provide effective care;
- that the incentive for social workers to return children to their parents quickly after taking them has disappeared and who in protective services will step up to the plate and say, “This must end! No one, because they are all in the system together and a system with no leader and no clear policies will always fail the children. *Just look at the waste in government that is forced upon the tax payer;*
- that the “Policy Manuel” is considered “the last word” for CPS/DFCS. However, it is too long, too confusing, poorly written and does not take the law into consideration;
- that if the lives of children were improved by removing them from their homes, there might be a greater need for protective services, but today children are not safer. Children, of whom I am aware, have been raped and impregnated in foster care;
- It is a known fact that children are in much more danger in foster care than they are in their own home even though home may not be perfect.
- that some parents are even told if they want to see their children or grandchildren, they must divorce their spouse. Many, who are under privileged, feeling they have no option, will divorce and then just continue to live together. This is an anti-family policy, but parents will do anything to get their children home with them. However, when the parents cooperate with Child Protective Services, their behavior is interpreted as guilt when nothing could be further from the truth.
- Fathers, (non-custodial parents) I must add, are oftentimes treated as criminals without access to visit or even see their own children and have child support payments strangling the very life out of them;
- that the Foster Parents Bill of Rights does not stress that a foster parent is there temporarily to care for a child until the child can be returned home. Many foster parents today use the Foster Parent Bill of Rights as a means to hire a lawyer and seek to adopt the child placed in their care from the real parents, who are desperately trying to get their child home and out of the system. Recently in Atlanta, a young couple learning to be new parents and loving it, were told that because of an anonymous complaint, their daughter would be taken into custody by the State DFCS. The couple was devastated and then was required by DFCS to take parenting classes, alcohol counseling and psychological evaluations if they wanted to get their child back. All of the courses cost money for which most parents are required to pay. While in their

anxiety and turmoil to get their child home, the baby was left for hours in a car to die in the heat in her car seat by a foster parent who forgot about the child. This should never have happened. It is tragic. In many cases after the parents have jumped through all the hoops, they still do not get their child. As long as the child is not returned, there is money for the agency, for foster parents, for adoptive parents, and for the State.

- that tax dollars are being used to keep this gigantic system afloat, yet the victims, parents, grandparents, guardians and especially the children, are charged for the system's services.**
- that grandparents have called from all over the State of Georgia and from other states trying to get custody of their grandchildren. CPS claims relatives are contacted, but there are many many cases that prove differently. Grandparents who lose their grandchildren to strangers have lost their own flesh and blood. The children lose their family heritage and grandparents, and parents too, lose all connections to their heirs.**
- that The National Center on Child Abuse and Neglect in 1998 reported that six times as many children died in foster care than in the general public and that once removed to official "safety", these children are far more likely to suffer abuse, including sexual molestation than in the general population. Think what that number is today ten years later!**
- That according to the California Little Hoover Commission Report in 2003, 30% to 70% of the children in California group homes do not belong there and should not have been removed from their homes.**

RECOMMENDATIONS

- 1. Call for an independent audit of all State Child Protective Services (CPS) and for a Federal Congressional hearing on Child Protective Services nationwide.**
- 2. Activate immediate change. Every day that passes means more families and children are subject to being held hostage and their lives destroyed.**
- 3. Abolish the Federal and State financial incentives that have turned Child Protective Services into a business that separate families for money.**
- 4. Grant to parents their rights verbally and in writing.**

5. **Mandate a search for family members to be given the opportunity to adopt their own relatives if children need to be removed permanently.**
6. **Mandate a jury trial where every piece of evidence is presented before permanently removing a child from his or her parents. Open family court. Remove the secrecy. Allow the press and family members access. Give parents the opportunity in court to speak and be a part of their children's future.**
7. **Require a warrant or a positive emergency circumstance before removing children from their parents. (Judge Arthur G. Christean, Utah Bar Journal, January, 1997 reported that "except in emergency circumstances, including the need for immediate medical care, require warrants upon affidavits of probable cause before entry upon private property is permitted for the forcible removal of children from their parents.")**
8. **Uphold the laws when someone fabricates or presents false evidence. If a parent alleges fraud, hold a hearing with the right to discovery of all evidence made available to parents.**

FINAL REMARKS

On my desk are scores of cases of exhausted families and terrified children. It has been beyond me to turn my back on these suffering, crying, and beaten down individuals. We are mistreating the most innocent. Child Protective Services have become an adult centered business to the detriment of children. No longer is judgment based on what the child needs or who the child wants to be or with whom, or what is really best for the whole family; it is some adult or bureaucrat who makes the decisions, based often on just hearsay, without ever consulting a family member, or just what is convenient, profitable, or less troublesome for the social workers.

I have witnessed such injustice and harm brought to so many families that I am not sure if I even believe reform of the system is possible! The system cannot be trusted. It does not serve the people. It obliterates families and children simply because it has the power to do so.

Children deserve better. Families deserve better. It's time to pull back the curtain and set our children and families free.

"Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and the needy" Proverbs 31:8-9