

Submitted to: The Kansas Joint Committee on Child Welfare System Oversight as written testimony on the date of: November 16, 2022

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Concern to Address: *Child In Need of Care Court Deceptive Patterns and Practices*

As the Child In Need Of Care is conducted behind closed doors and deemed *confidential*, I would like to take this opportunity to share with the general public, my personal experiences I have witnessed while maintaining the confidentiality of the children and the families.

After an intake is received by the Department of Children and Families a social worker is assigned to “investigate” the “allegations”. The term *allegation* is a claim or assertion that someone has done something wrong, typically made **without** proof. The term *investigate* is to carry out a formal inquiry to discover and examine the facts. Typically, the documents presented to the family and to the court are worded in such a manner as to **The Findings of Facts**. This deception is merely presenting the “allegations” as actual **FACTS** to the courts and families. The allegations are so egregious they imply that the “accused” **has been found guilty** of crimes upon their children and major violations of the law. The intention of the reports of these mere “allegations” causes one to question the validity and truth of any issue when the agency is presenting the “allegations” as **FACTS**.

It is not an uncommon practice for decisions and formalities of these *confidential* hearings, to be conducted by all parties in the public hallways and waiting areas of the juvenile courthouse prior to the “closed door formal hearing”. It is also not an uncommon practice to hold “private closed door hearings” regarding children without the knowledge of interested parties.

Parents are given a set of tasks they must complete within a certain allotted period of time. The goal of these specific tasks is to enforce that the parent(s) obtain education and skills to demonstrate to the court they are now equipped with the knowledge and resources to be a better parent. Keep in mind, the agencies set up to assist these parents, also have access to the documents of “allegations” presented as **FACTS**. These deceptive statements can also be found in parents and children's medical records now recorded as **FACTS**. This is a very damning practice that will follow these parents and the children for years to come.

In the courtroom any party that stands “accused” of “allegations” is declared guilty of said “allegations”. “Allegations” are presented to the court as substantial **FACTS**. Occasionally, positive drug test results are admitted into evidence eliminating the **FACT** the party may have valid prescriptions by a physician for medication for a legitimate medical issue. A missed drug test is considered “a positive” drug test admitted into court.

Qualified immunity is a judicial doctrine that shields social workers from legal liability when declaring an “allegation” is a **FACT** in the Child of Need of Care courts.

In summary, these hearings being held, “on behalf of the best interest and safety of a child” are conducted occasionally in public areas of the courthouse. Hearings are being held behind closed doors with limited persons attending due to “confidentiality”. And, “allegations” are being presented as **FACTS** to the court.

I encourage everyone to take the course to become a *Parent Ally* and support and encourage parents through the Child In Need of Care courts.

Truly,

Kelly Patton, KS Parent Ally
Kansas F.A.C.T. Advocate

